

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NORTH CAROLINA FARM BUREAU
FEDERATION, INC.; *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR; *et al.*,

Defendants.

Case No. 5:24-CV-527

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs North Carolina Farm Bureau Federation, Inc., Hight Family Farms, LLC., and Triple B Farms, Inc. (collectively "Plaintiffs") submit this Motion for Summary Judgment, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, on the grounds that there is no material question of fact to preclude judgment in favor of Plaintiffs and Plaintiffs are entitled to judgment in their favor on all claims as a matter of law. In support of this Motion, Plaintiffs also file Plaintiffs' Memorandum in Support of their Motion for Summary Judgment; Plaintiffs' Local Rule 56.1 Statement of Undisputed Material Facts in Support of their Motion for Summary Judgment, which cites to the Verified Complaint and the previously filed declarations of Brandon Douglas Batten and David Michael Hight, Jr., D.E. 1 at 21, 23; and an Appendix with the following materials:

(1) Declaration of Michael P. Sherman.

WHEREFORE, Plaintiffs respectfully request that this Court enter an order granting summary judgment on all of Plaintiffs' claims in the Verified Complaint, and for any such further

relief as this Court deems fair and just. Given the importance of this matter, Plaintiffs' respectfully request that the Court schedule an oral argument upon completion of briefing in this matter.

Respectfully submitted this the 13th day of October, 2024.

**NELSON MULLINS RILEY
& SCARBOROUGH LLP**

By: /s/ Phillip J. Strach
Phillip J. Strach
N.C. State Bar No. 29456
Alyssa M. Riggins
N.C. State Bar No. 52366
Raleigh, North Carolina 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3799
Phil.strach@nelsonmullins.com
Alyssa.riggina@nelsonmullins.com

Phillip Jacob Parker, Jr.
Secretary & General Counsel
North Carolina Farm Bureau Federation, Inc.
PO Box 27766
Raleigh, NC 27611
(919) 987-1244
N.C. Bar No. 41504
jake.parker@ncfb.org

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October 2024, I electronically filed the foregoing **Motion for Summary Judgment** with the Court using the CM/ECF system, and will serve a copy counsel for Defendants via email and US Mail in accordance with the Federal Rules of Civil Procedure.

Michael P. Clendenen
Michael Gaffney
Anna Slusarski
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW, Room 12028
Washington, DC 20005
Michael.P.Clendenen@usdoj.gov
Michael.J.Gaffney@usdoj.gov
Anna.Slusarski@usdoj.gov

Paige O’Hale
Deputy Chief, Civil Division
United States Attorney’s Office
Eastern District of North Carolina
150 Fayetteville Street
Suite 2100
Raleigh, NC 27601
Paige.Ohale@usdoj.gov
Counsel for Defendants

**NELSON MULLINS RILEY
& SCARBOROUGH LLP**

By: /s/ Phillip J. Strach
Phillip J. Strach
N.C. State Bar No. 29456
Alyssa M. Riggins
N.C. State Bar No. 52366
Raleigh, North Carolina 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3799
Phil.strach@nelsonmullins.com
Alyssa.riggins@nelsonmullins.com