

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TECHE VERMILION SUGAR CANE
GROWERS ASSOCIATION INC., ET AL.

CASE NO. 6:23-CV-831

VERSUS

JUDGE ROBERT R. SUMMERHAYS

JULIE SU, ET AL.

MAG. JUDGE CAROL B. WHITEHURST

PRELIMINARY INJUNCTION ORDER

For the reasons given in the Court's Ruling this date,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Application for a Preliminary Injunction [ECF No. 3] is GRANTED. The Department of Labor is enjoined from enforcing the Final Rule¹ in the following respects:

- (1) the preliminary injunction is limited to H-2A workers employed in sugar cane farming and processing operations in the State of Louisiana; and
- (2) the preliminary injunction applies only to H-2A workers hired by the named Plaintiffs and the members of the Teche Vermilion Sugar Cane Growers' Association, Inc., the Cora Texas Growers & Harvesters Agricultural Association, Inc., and the American Sugar Cane League, who grow, harvest, and process sugar cane in Louisiana.

Plaintiffs and their members need not provide any security for this injunction.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants' Partial Motion to Dismiss [ECF No. 32] and Defendants' Motion to Dismiss the Amended Complaint [ECF No. 37] are GRANTED IN PART and DENIED IN PART, as follows:

Defendants' motion to dismiss certain Plaintiffs for lack of standing is DENIED.

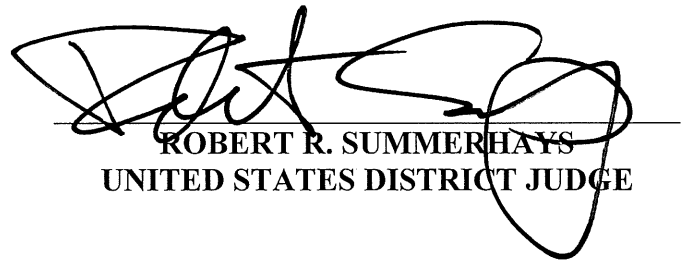
¹ "Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States," 88 FR 12760-01.

Defendants' motion to dismiss Plaintiffs' claims under the Congressional Review Act is GRANTED, and those claims are DISMISSED.

Defendants' motion to dismiss Plaintiffs' Regulatory Flexibility Act claims based on the allegation that the "head of the agency" did not make the section 605(b) certification is GRANTED, and those claims are DISMISSED.

Defendants' motion to dismiss Plaintiffs' Regulatory Flexibility Act claims based on the allegation that the section 605(b) certification's economic analysis was inadequate is DENIED.

THUS DONE AND SIGNED in Chambers, this 18th day of September, 2024.



ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE