

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

RICHARD BARTON, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants.

Case No. 5:24-cv-00249-DCR

DEFENDANTS' MOTION FOR A STAY OF PROCEEDINGS

Defendants respectfully request a 90-day stay of proceedings. The stay is necessary to allow incoming leadership at the Department of Labor (DOL) further time to review this litigation, including the claims that Plaintiffs and Intervenors have asserted challenging the Rule. DOL is still in the process of onboarding new leadership, including the yet-to-be-Senate-confirmed nominees for Secretary of Labor, Deputy Secretary of Labor, and Assistant Secretary of the Employment and Training Administration, as well as the Administrator for the Wage and Hour Division for which no nomination has been submitted. As a result, more time is needed for the new administration to review this pending litigation.

Additionally, counsel from the Department of Justice face a substantial workload from other cases. For example, undersigned counsel have been assigned to defend multiple challenges to the Presidents' funding freeze and to the terminations of contracts at the U.S. Agency for International Development, litigating emergency motions in several of these cases. Moreover, over the last several weeks, the component of the Civil Division at the Department of Justice in which the undersigned counsel work has faced an unusually large—and growing—caseload of additional emergency motions to which they may need to be assigned on at least a temporary basis.

Finally, Plaintiffs have obtained relief in the form of the preliminary injunction that this Court entered and which is currently in place. ECF No. 49. As such, there is no urgency for the Court to reach final judgment in this case at this time.

In the alternative—should the Court in its discretion deny Defendants’ motion to stay proceedings—and for the same reasons cited above, Defendants respectfully request a 45-day extension of the March 5, 2025 deadline to file a response to Plaintiffs’ Motion for Summary Judgment, ECF No. 66, until April 21, 2025.

Plaintiffs oppose the relief sought in this motion.

DATE: February 28, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

JULIE STRAUS HARRIS
Assistant Branch Director

/s/ Michael P. Clendenen
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2025, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Michael P. Clendenen

MICHAEL P. CLENDENEN

Trial Attorney

United States Department of Justice