

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FLORIDA GROWERS	)	
ASSOCIATION, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 8:23-cv-889-CEH-CPT
	)	
VINCENT N. MICONE, III, <i>in his</i>	)	
<i>official capacity as Acting Secretary of</i>	)	
<i>Labor, LENITA JACOBS-SIMMONS, in</i>	)	
<i>her official capacity as Deputy Assistant</i>	)	
<i>Secretary of the Employment and</i>	)	
<i>Training Administration; BRIAN</i>	)	
<i>PASTERNAK, in his official capacity as</i>	)	
<i>Administrator of the Office of Foreign</i>	)	
<i>Labor Certification; PATRICIA</i>	)	
<i>DAVIDSON, in her official capacity as</i>	)	
<i>Deputy Administrator of the Wage and</i>	)	
<i>Hour Division</i> <sup>1</sup>	)	
	)	
Defendants.	)	

**Motion to Stay Case for 90 Days**

The Defendants, through their undersigned counsel, respectfully move this Court to stay this case for 90 days to allow additional time for new leadership at the Department of Justice and the client agency to familiarize themselves with this litigation and to review pleadings relevant to this case. The Defendants propose status reports every 30 days to update the Court on whether a continued stay for the full 90 days is required.

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<sup>1</sup> Under Fed. R. Civ. P. 25(d), Vincent N. Micone, III, Lenita Jacobs-Simmons, and Patricia Davidson, in their official capacities, are substituted for each of their respective predecessors. As of January 20, 2025, the Deputy Assistant Secretary is the ranking official responsible for the U.S. Department of Labor’s Employment and Training Administration and the Deputy Administrator is the ranking official responsible for the U.S. Department of Labor’s Wage and Hour Division.

Pursuant to L.R. 3.01(g), counsel for Defendants consulted with counsel for Plaintiffs, who indicated that Plaintiffs do not oppose a 30-day stay but do oppose a 90-day stay.

Plaintiffs challenge DOL's 2023 Rulemaking, "Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States," 88 Fed. Reg. 12760 (Feb. 28, 2023). Summary judgment is fully briefed in this case. *See* ECF 91-97. Previously, the Court scheduled a summary judgment hearing on January 24, 2025, which was continued to February 27, 2025, after the Defendants filed an unopposed motion to continue. ECF 98, 99, 101.

At this time, multiple appointed positions at the client agency have yet to be confirmed, including the Secretary of Labor, the Deputy Secretary of Labor, the Assistant Secretary of the Employment and Training Administration, and the Administrator of the Wage and Hour Division. As a result, more time is needed for the new administration to review this pending litigation.

Accordingly, Defendants respectfully request that this Court stay this litigation for 90 days, with status reports due every 30 days.

Respectfully submitted,

Brett A. Shumate  
Acting Assistant Attorney General  
Civil Division

Glenn Girdharry  
Assistant Director

/s/ Alexandra McTague  
Alexandra McTague

Senior Litigation Counsel  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
General Litigation & Appeals Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Phone: (202) 718-0483  
Facsimile: (202) 305-7000  
e-Mail: [alexandra.mctague2@usdoj.gov](mailto:alexandra.mctague2@usdoj.gov)  
*Attorneys for Defendants*