

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FLORIDA GROWERS
ASSOCIATION, INC., *et al.*,

Plaintiffs,

v.

Case No: 8:23-cv-889-CEH-CPT

JULIE A SU, in her official
capacity, *et al.*,

Defendants.

_____ /

ORDER

This matter is before the Court on Defendants' Motion to Stay Proceedings for 90 Days (Doc. 102), which Plaintiffs oppose in part (Doc. 104). In this Administrative Procedures Act action, Plaintiffs challenge the Department of Labor's adoption of a new rule regarding the H-2A program for temporary agricultural workers.

The parties' cross-motions for summary judgment are fully ripe. Docs. 91, 92. The motions were initially scheduled for a hearing on January 24, 2025. Doc. 98. On January 22, 2025, the Court granted Defendants' unopposed request to continue the hearing for at least 30 days considering the recent change in presidential administrations. Docs. 99, 100. The hearing was rescheduled to February 27, 2025. Doc. 101.

Defendants now move for a 90-day stay of the proceedings. Doc. 102. They explain that the new leadership at the Department of Justice and the Department of Labor, some of whom are awaiting confirmation, require additional time to familiarize

themselves with this litigation. *Id.* Defendants propose to file status reports every 30 days to update the Court on whether a continued stay for the full 90 days is required. *Id.* at 1.

Plaintiffs oppose a 90-day stay. Doc. 104. Plaintiffs explain that they do not oppose an additional stay of 30 days, and suggest that Defendants may request more time after that period has expired. *Id.* at 2. However, pointing out that the confirmation hearing for the nominee for Secretary of Labor took place on February 19, 2025, Plaintiffs argue that it will not take 90 days for the new administration to review the case. *Id.* Plaintiffs suggest that a shorter stay would more reasonably balance the parties' interests, given the ongoing harm that the challenged rule is causing to Florida agricultural employers. *Id.*

In light of the change in administrations and the fact that the confirmation hearing for the nominated Secretary of Labor occurred on February 19, the Court finds that a stay of 60 days is appropriate at this time. Defendants must file a status report in 30 days, on or before March 21, 2025.

Accordingly, it is **ORDERED**:

1. Defendants' Motion to Stay Proceedings for 90 Days (Doc. 102) is granted-in-part and denied-in-part. The motion is granted to the extent that this case is STAYED for 60 days. The summary judgment hearing scheduled for February 27, 2025, is cancelled.
2. Defendant shall file a status report on or before March 21, 2025.

3. The Clerk is directed to terminate the pending motions for summary judgment at docket entries 91 and 92, and administratively CLOSE this case.

DONE AND ORDERED at Tampa, Florida on February 21, 2025.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record