

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TECHE VERMILION SUGAR CANE)
GROWERS ASSOCIATION INC., *et al.*,)

Plaintiffs,)

v.)

Case No. 6:23-cv-831-RRS-CBW

VINCENT N. MICONE, III, *in his*)
official capacity as Acting Secretary of)
Labor, AMY SIMON, in her official)
capacity as Acting Assistant Secretary of)
the Employment and Training)
Administration; BRIAN PASTERNAK,)
in his official capacity as Administrator of)
the Office of Foreign Labor)
Certification; PATRICIA DAVIDSON,)
in her official capacity as Deputy)
Administrator of the Wage and Hour)
Division ¹)

Defendants.)

Unopposed 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.

¹ Under Fed. R. Civ. P. 25(d), Vincent N. Micone, III, Amy Simon, and Patricia Davidson, in their official capacities, are substituted for each of their respective predecessors. As of March 6, 2025, the Acting 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 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). A preliminary injunction was entered against Defendants on September 18, 2024, and remains in place. ECF 46 & 61. A schedule was entered on February 5, 2025, which anticipates a Rule 26(f) report to the Court on March 26, 2025, with discovery thereafter and dispositive motions on December 22, 2025. ECF 63.

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.

Respectfully submitted,

Yaakov M. Roth
Acting Assistant Attorney General
Civil Division

Glenn M. 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
alexandra.mctague2@usdoj.gov
Attorneys for Defendants