

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

USA FARM LABOR, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:23-cv-96
	)	
Vincent N. Micone, III <sup>1</sup> in his official	)	
capacity as Acting Secretary of Labor,	)	
<i>et al.</i> ,	)	
	)	
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. The Defendants propose status reports every 30 days to update the Court on whether a continued stay for the full 90 days is required.

Counsel for Defendants consulted with counsel for Plaintiffs, who indicated that Plaintiffs do not oppose this motion.

Plaintiffs challenge DOL’s 2023 Rulemaking, “Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Vincent N. Micone, III, is substituted for his predecessor.

Range Occupations in the United States,” 88 Fed. Reg. 12760 (Feb. 28, 2023). Summary judgment is fully briefed in this case and Plaintiffs also have a pending motion to amend the complaint which Defendants opposed. 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, and the Assistant Secretary of the Employment and Training Administration. 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,

Yaakov M. Roth  
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  
Email: [alexandra.mctague2@usdoj.gov](mailto:alexandra.mctague2@usdoj.gov)  
*Attorneys for Defendants*