

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

RICHARD BARTON, et al.,)	
)	
Plaintiffs,)	Civil Action No. 5: 24-249-DCR
)	
V.)	
)	
UNITED STATES DEPARTMENT)	ORDER
OF LABOR, et al.,)	
)	
Defendants.)	

*** **

The defendants have requested a stay of these proceedings to allow incoming leadership at the Department of Labor (“DOL”) to review this litigation. [Record No. 75] As of this date, the Secretary of Labor and Deputy Secretary of Labor have been confirmed. However, The DOL provides that the final “rule at issue in this litigation was promulgated by the Employment and Training Administration and the Wage and Hour Division.” [Record No. 77] It further notes that the “Wage and Hour Division does not have an Acting Administrator or a political appointee Deputy Administrator, and the Employment and Training Administration has only had an Acting Assistant Secretary” as of late February 2025. *See id.*

The plaintiffs and intervening plaintiffs contend that granting a stay will further harm the association plaintiffs as they must continue filling H-2A applications for their members who are covered by the injunction and new members who are not covered. [Record No. 76] This, they argue, results in an increased administrative burden. *Id.* However, the DOL notes that following this Court’s preliminary injunction on November 25, 2024, it began using the old H-2A applications for all applicants. [Record No. 77]

Additionally, three other pending lawsuits challenging the final rule have not reached a ruling on the merits. After issuing a preliminary injunction in *Kansas v. Department of Labor*, the court granted the parties' agreed order to postpone a hearing on cross-motions for summary judgment until June 11, 2025. *Kansas v. DOL*, No. 2:24-cv-00076-LGW-BWC at R. 34 (S.D. Ga.). Likewise, in *International Fresh Produce Association v. Department of Labor*, the court also issued a preliminary injunction and later granted the department's unopposed motion to stay the proceedings for ninety days, which will expire June 8, 2025. *See Int'l Fresh Produce Ass'n v. DOL*, No. 1:24-cv-309-HSO-BWR at R. 41 (S.D. Miss.). While the plaintiffs in *North Carolina Farm Bureau Federation Inc. v. Department of Labor* never requested a preliminary injunction, briefing on cross-motions for summary judgment was completed December 19, 2024, but the court has yet to issue a ruling. *See N.C. Farm Bureau Fed'n, Inc. v. DOL*, No. 5:24-cv-00527-FL (E.D.N.C.).

In the interest of justice and to avoid conflicting outcomes regarding the final rule, the undersigned concludes that a limited stay is appropriate. Therefore, being sufficiently advised, it is hereby

ORDERED as follows:

1. The defendants' motion to stay [Record No. 75] is **GRANTED**. This matter will be **STAYED** until **June 11, 2025**.
2. All pending motions [Record Nos. 58, 59, 66, 70, and 81] are **DENIED**, without prejudice, and may be refiled once the stay is lifted.

Dated: March 28, 2025.



A handwritten signature in black ink, appearing to read "Danny C. Reeves".

Danny C. Reeves, District Judge
United States District Court
Eastern District of Kentucky