

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:09-cv-00411-WO-LPA**

NORTH CAROLINA GROWERS' ASSOCIATION, INC. et al Date Filed: 06/09/2009
v. SOLIS et al Date Terminated: 02/07/2012
Assigned to: CHIEF JUDGE WILLIAM L. OSTEEEN JR. Jury Demand: None
Referred to: MAG/JUDGE L. PATRICK AULD Nature of Suit: 790 Labor: Other
Related Case: 1:13-cv-00468-WO-LPA Jurisdiction: U.S. Government Defendant
Case in other court: USCA, 09-01878
USCA, 09-02356
11-02235

Cause: 05:551 Administrative Procedure Act

Plaintiff

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**DESOTO FRUIT & HARVESTING,
INC**

represented by **ROBIN E. SHEA**
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Counter Defendant

**EVERGLADES HARVESTING
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**MAINE FOREST PRODUCTS
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Counter Defendant

**NATIONAL CHRISTMAS TREE
ASSOCIATION**

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Counter Defendant

**NATIONAL COUNCIL OF
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Counter Defendant

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Counter Defendant

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Counter Defendant

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Counter Defendant

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COUNCIL**

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Counter Defendant

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Counter Defendant

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Counter Defendant

**MAINE FOREST PRODUCTS
COUNCIL**

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Counter Defendant

**NATIONAL CHRISTMAS TREE
ASSOCIATION**

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Counter Defendant

**NATIONAL COUNCIL OF
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Counter Defendant

**NORTH CAROLINA AGRIBUSINESS
COUNCIL, INC**

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Counter Defendant

**NORTH CAROLINA GROWERS'
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Counter Defendant

**NORTH CAROLINA PICKLE
PRODUCERS ASSOCIATION**

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Counter Defendant

**OVERLOOK HARVESTING
COMPANY, LLC**

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**SNAKE RIVER FARMERS
ASSOCIATION**

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V.

Counter Defendant

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Counter Defendant

**DESOTO FRUIT & HARVESTING,
INC**

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**EVERGLADES HARVESTING
& HAULING, INC.**

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Counter Defendant

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Counter Defendant

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ASSOCIATION**

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Counter Defendant

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Counter Defendant

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COUNCIL**

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Counter Defendant

**NATIONAL CHRISTMAS TREE
ASSOCIATION**

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Counter Defendant

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Counter Defendant

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Counter Defendant

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Counter Defendant

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**OVERLOOK HARVESTING
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Date Filed	#	Docket Text
06/09/2009	<u>1</u>	COMPLAINT against HILDA L SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 350 receipt number 0418000000000616697.), filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL.(LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>2</u>	MOTION for Preliminary Injunction by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Responses due by 7/2/2009. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>3</u>	MEMORANDUM re <u>2</u> MOTION for Preliminary Injunction filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA

		GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>4</u>	APPENDIX re <u>3</u> Memorandum by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit 1 – Swanton Aff., # <u>2</u> Exhibit 2 – Wicker Aff, # <u>3</u> Exhibit 3 – Shea Aff., # <u>4</u> Exhibit 4 – Maciborski Aff., # <u>5</u> Exhibit 5 – Cases)(LOFTIS, WILLIAM) (Additional attachment(s) added on 6/10/2009: # <u>6</u> Corrected Exhibit–Affidavit of Robin E. Shea) (Taylor, Abby). (Entered: 06/09/2009)
06/09/2009	<u>5</u>	Summons Issued as to HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, US ATTORNEY GENERAL, US ATTORNEY. (Attachments: # <u>1</u> Additional summons, # <u>2</u> Additional summons, # <u>3</u> Additional summons, # <u>4</u> Additional summons, # <u>5</u> Additional summons) (Taylor, Abby). (Entered: 06/09/2009)
06/09/2009	<u>6</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff ALTA CITRUS, LLC. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>7</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff FLORIDA CITRUS MUTUAL. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>8</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff FLORIDA FRUIT & VEGETABLE. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>9</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Taylor, Abby) (Entered: 06/09/2009)
06/09/2009	<u>10</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>11</u>	MOTION to Expedite <i>Hearing</i> by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Responses due by 7/2/2009. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>12</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NATIONAL CHRISTMAS TREE ASSOCIATION. (LOFTIS,

		WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>13</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff TITAN PEACH FARMS, INC. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>14</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NORTH CAROLINA AGRIBUSINESS COUNCIL, INC. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>15</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NORTH CAROLINA GROWERS' ASSOCIATION, INC. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>16</u>	NOTICE of Filing Affidavit in Support re <u>3</u> Memorandum by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Affidavit C. Stanford Eury, Jr.)(LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/09/2009	<u>17</u>	NOTICE of Appearance by attorney ROBIN E. SHEA on behalf of Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL (SHEA, ROBIN) (Entered: 06/09/2009)
06/09/2009	<u>18</u>	AMENDED DOCUMENT <i>Certificate of Service</i> for Pldg. # <u>1</u> through Pldg. # <u>17</u> by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (LOFTIS, WILLIAM) (Entered: 06/09/2009)
06/10/2009	<u>19</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff OVERLOOK HARVESTING COMPANY, LLC. (LOFTIS, WILLIAM) (Entered: 06/10/2009)
06/10/2009	<u>20</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff EVERGLADES HARVESTING &HAULING, INC. (LOFTIS, WILLIAM) (Entered: 06/10/2009)
06/10/2009	<u>21</u>	NOTICE of Appearance by attorney GEOFFREY FORNEY on behalf of Defendants HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR,

		JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (FORNEY, GEOFFREY) (Entered: 06/10/2009)
06/11/2009	<u>22</u>	NOTICE re <u>3</u> Memorandum by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Affidavit of Pam Helmsing)(LOFTIS, WILLIAM) (Entered: 06/11/2009)
06/11/2009	<u>23</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff H-2A USA, INC. (LOFTIS, WILLIAM) (Entered: 06/11/2009)
06/11/2009	<u>24</u>	NOTICE of Appearance by attorney GILL P. BECK on behalf of Defendants HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (BECK, GILL) (Entered: 06/11/2009)
06/11/2009		Telephone/Electronic Notice on 6/11/2009 to the following: Attorneys Shea, Loftis and Forney re: scheduling of telephone conference with Judge Osteen, Jr. on 6/11/09 @ 2:00 p.m. Counsel for plaintiff to initiate the telephone call. (Williamson, Wanda) (Entered: 06/11/2009)
06/11/2009		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR.: Telephone Conference held on 6/11/2009. Hearing re: <u>2</u> Motion for Preliminary Injunction set for 6/22/2009 @ 9:30 a.m. before JUDGE WILLIAM L. OSTEEEN, JR. in G-3. (Williamson, Wanda) (Entered: 06/11/2009)
06/11/2009	<u>25</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 06/11/09, that a hearing and oral argument be held on June 22, 2009 at 9:30 a.m. in Greensboro, North Carolina, Courtroom 3, on Plaintiffs' Motion for Preliminary Injunction. FURTHER that Defendants have until June 18, 2009 at 5:00 p.m. to file any written responses (including briefs or affidavits as appropriate) to Plaintiffs' Motion for Preliminary Injunction. Plaintiffs may file a reply to Defendants' responses on or before June 19, 2009 at 5:00 p.m. The court further directs Plaintiffs and Defendants to prepare and file their findings of fact and conclusions of law on or before June 19, 2009 at 5:00 p.m. and to e-mail their respective proposed orders as done in the normal course of business. (Law, Trina) (Entered: 06/11/2009)
06/11/2009		Set Hearing: Preliminary Injunction Hearing set for 6/22/2009 09:30 AM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEEEN JR. (Law, Trina) (Entered: 06/11/2009)
06/11/2009		Set Deadlines re <u>2</u> MOTION for Preliminary Injunction: Responses due by 6/18/2009. Replies due by 6/19/2009. (Law, Trina) (Entered: 06/11/2009)
06/12/2009	<u>26</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT on certified mail as to UNITED STATES DEPARTMENT OF LABOR served on 6/10/2009, answer due 8/10/2009; UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/10/2009, answer due 8/10/2009. on certified mail as to Victoria Morgan (Attachments: # <u>1</u> Exhibit A - Certified Mail Receipt)(LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>27</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NORTH CAROLINA CHRISTMAS TREE ASSOCIATION. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>28</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff FOREST RESOURCES ASSOCIATION. (LOFTIS, WILLIAM)

		(Entered: 06/12/2009)
06/12/2009	<u>29</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff SNAKE RIVER FARMERS ASSOCIATION. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>30</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>31</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff MAINE FOREST PRODUCTS COUNCIL. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>32</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff DESOTO FRUIT & HARVESTING, INC. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/12/2009	<u>33</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION. (LOFTIS, WILLIAM) (Entered: 06/12/2009)
06/15/2009	<u>34</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT on certified mail as to HILDA L. SOLIS served on 6/12/2009, answer due 8/11/2009 on certified mail as to Waterloo. (Attachments: # <u>1</u> Exhibit A – Certified Mail receipt)(LOFTIS, WILLIAM) (Entered: 06/15/2009)
06/18/2009	<u>35</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT on Certified Mail as to UNITED STATES DEPARTMENT OF HOMELAND SECURITY served on 6/12/2009, answer due 8/10/2009. on Certified Mail as to Jonathan P (last name illegible) (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipt)(LOFTIS, WILLIAM) (Entered: 06/18/2009)
06/18/2009	<u>36</u>	RESPONSE in Opposition re <u>2</u> MOTION for Preliminary Injunction, <u>3</u> Memorandum filed by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. Replies due by 6/19/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Text of Proposed Order)(FORNEY, GEOFFREY) (Entered: 06/18/2009)
06/18/2009	<u>37</u>	MOTION to Intervene <i>as Parties Defendant</i> by United Farm Workers, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. Responses due by 7/13/2009 (Attachments: # <u>1</u> Affidavit UFW)(WILLIS, ROBERT) (Entered: 06/18/2009)
06/18/2009	<u>38</u>	MEMORANDUM re <u>37</u> MOTION to Intervene <i>as Parties Defendant in Support</i> filed by United Farm Workers, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (Attachments: # <u>1</u> Affidavit UFW)(WILLIS, ROBERT) (Entered: 06/18/2009)
06/18/2009	<u>39</u>	RESPONSE in Opposition re <u>2</u> MOTION for Preliminary Injunction filed by United Farm Workers, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA,

		REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. Replies due by 7/6/2009. (Attachments: # <u>1</u> Exhibit 1 - UFW v Chao First Amended Complaint, # <u>2</u> Exhibit 2 - FW Comment, # <u>3</u> Exhibit 3 - Tri-County v Brock, # <u>4</u> Exhibit 4 - VAGA v Donovan, # <u>5</u> Exhibit 5 - NAACP v Donovan)(WILLIS, ROBERT) (Entered: 06/18/2009)
06/19/2009	<u>40</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT filed by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (Attachments: # <u>1</u> Exhibit A - Certified Mail Receipt) (LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>41</u>	Proposed Findings of Fact and Conclusions of Law by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(FORNEY, GEOFFREY) (Entered: 06/19/2009)
06/19/2009	<u>42</u>	RESPONSE in Opposition re <u>37</u> MOTION to Intervene <i>as Parties Defendant</i> filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Replies due by 7/9/2009. (LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>43</u>	APPENDIX re <u>42</u> Response in Opposition to Motion by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit A - Second Aff. Eury)(LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>44</u>	REPLY to Response to <u>2</u> MOTION for Preliminary Injunction filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA

		AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>45</u>	APPENDIX re <u>44</u> Reply to Response to Motion by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit A – First Amended Complaint, # <u>2</u> Exhibit B – Federal Defendants' Answer)(LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>46</u>	Proposed Findings of Fact and Conclusions of Law by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Text of Proposed Order)(LOFTIS, WILLIAM) (Entered: 06/19/2009)
06/19/2009	<u>47</u>	MOTION to Participate in Oral Argument in June 22 Hearing on Plaintiffs' Motion for Preliminary Injunction re <u>2</u> MOTION for Preliminary Injunction by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, ABDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. Responses due by 7/13/2009. (Attachments: # <u>1</u> Text of Proposed Order)(WILLIS, ROBERT) (Entered: 06/19/2009)
06/19/2009	<u>48</u>	Proposed Findings of Fact and Conclusions of Law by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, ABDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON.(WILLIS, ROBERT) (Entered: 06/19/2009)
06/22/2009	<u>50</u>	NOTICE of Appearance by attorney MARNI WILLENSON on behalf of Intervenor Defendants UNITED FARM WORKERS, MARIO CENTENO-RODRIGUEZ, LUIS ENRIQUE CISNEROS-IBARRA, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO,

		ATANACIO LUGO–RINCON, OBDULA MALDONADO–ABELLANEDA, MIGUEL ANGEL OLGUIN–HERNANDEZ, ARTURO OLGUIN–MONROY, OMER A RODRIGUEZ–GUZMAN, DESIDERIO TOVAR–ZAPATA, ALEJANDRO TREJO–LEON. (WILLENSON, MARNI) (Entered: 06/22/2009)
06/22/2009		ORAL ORDER granting <u>37</u> Motion to Intervene for the purpose of the Preliminary Injunction Hearing only; granting <u>47</u> Motion to Participate in Oral Argument in June 22 Hearing by JUDGE WILLIAM L. OSTEEN JR. on 6/22/2009. (Williamson, Wanda) (Entered: 06/22/2009)
06/22/2009		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEN JR.: Motion Hearing held on 6/22/2009 re <u>2</u> MOTION for Preliminary Injunction. The following counsel was present: Attorneys William Loftis and Robin Shea for the plaintiff. AUSA Gill Beck and Geoffrey Forney for the defendant, and Attorneys Robert Willis and Marni Willenson for the Intervenor–Defendants. The parties may file supplemental briefs by 10:30 a.m. on 6/23/2009 as stated on the record. Matter remain under advisement(Court Reporter Joe Armstrong.) (Williamson, Wanda). (Entered: 06/22/2009)
06/23/2009	<u>52</u>	<i>Supplemental BRIEF (Irreparable Harm Issue)</i> filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING &HAULING, INC., DESOTO FRUIT &HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT &VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit 1 – Illinois Bell v. Hurley, # <u>2</u> Exhibit 2 – Hollywood Healthcare v. Deltec)(LOFTIS, WILLIAM) (Entered: 06/23/2009)
06/23/2009	<u>53</u>	<i>Supplemental BRIEF by Federal Defendants</i> HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (FORNEY, GEOFFREY) (Entered: 06/23/2009)
06/23/2009	<u>54</u>	<i>Amended Supplemental BRIEF</i> re 51 Brief filed by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO–RODRIGUEZ, JUAN CISNEROS–IBARRA, LUIS ENRIQUE CISNEROS–IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN–CENTENO, JOSE RAUL GUZMAN–CENTENO, ABELARDO HERNANDEZ–AGUAS, GREGORIO HUERTAS–SAMANO, PEDRO IBARRA–AVILA, ATANACIO LUGO–RINCON, OBDULA MALDONADO–ABELLANEDA, MIGUEL ANGEL OLGUIN–HERNANDEZ, ARTURO OLGUIN–MONROY, OMER A RODRIGUEZ–GUZMAN, DESIDERIO TOVAR–ZAPATA, ALEJANDRO TREJO–LEON. (Attachments: # <u>1</u> Exhibit E – Affidavit Eury 2–25–2003, # <u>2</u> Exhibit F – Affidavit Eury 3–6–2003, # <u>3</u> Exhibit G – UFW's Motion for Partial Summary Judgment, # <u>4</u> Exhibit H – UFWs Motion to Expedite)(WILLIS, ROBERT) (Entered: 06/23/2009)
06/24/2009	<u>55</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT as to JANET NAPOLITANO served on 6/18/2009, answer due 8/17/2009 as to Janet Napolitano. (Attachments: # <u>1</u> Exhibit A – Certified Mail Receipt)(LOFTIS, WILLIAM) (Entered: 06/24/2009)
06/26/2009	<u>56</u>	NOTICE of Appearance by attorney BRUCE N. GOLDSTEIN on behalf of Intervenor Defendants UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO–RODRIGUEZ, JUAN CISNEROS–IBARRA, LUIS ENRIQUE CISNEROS–IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN–CENTENO, JOSE RAUL GUZMAN–CENTENO, ABELARDO HERNANDEZ–AGUAS, GREGORIO HUERTAS–SAMANO, PEDRO IBARRA–AVILA, ATANACIO LUGO–RINCON, OBDULA

		MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMERA RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON (GOLDSTEIN, BRUCE) (Entered: 06/26/2009)
06/29/2009	<u>57</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 6/29/09, Re: Plaintiffs' Motion for Preliminary Injunction. For the reasons set forth in the memorandum opinion, IT IS ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. <u>2</u>) is GRANTED. (Welch, Kelly) Modified on 6/30/2009 to edit text (Welch, Kelly). (Entered: 06/29/2009)
06/29/2009	<u>58</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 06/29/09, for the reasons stated in the Memorandum Opinion filed simultaneously with this Order, Plaintiffs' Motion for Preliminary Injunction (Doc. <u>2</u>) is GRANTED. FURTHER that Defendants Department of Labor ("DOL"), Hilda L. Solis, in her official capacity as the Secretary of the DOL, the Department Homeland Security ("DHS"), and Janet Napolitano, in her official capacity as the Secretary of DHS, are temporarily enjoined from implementing and enforcing the Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972, 25,972 (May 29, 2009). This temporary injunction shall remain in effect until the completion of a trial on the merits of this case, the creation of a new H-2A Rule in accordance with the Administrative Procedures Act, 5 U.S.C. § 551 et seq., or further order of this court. (Law, Trina) (Entered: 06/30/2009)
07/01/2009	<u>59</u>	AMENDED MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 07/01/09, Re: Plaintiffs' Motion for Preliminary Injunction. For the reasons set forth in the memorandum opinion, IT IS ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. <u>2</u>) is GRANTED. (See Page 17, Line 1 for Change in Wording). (Law, Trina) (Entered: 07/01/2009)
07/06/2009	<u>60</u>	AFFIDAVIT OF SERVICE ON GOVERNMENT as to as to USDOL. (Attachments: # <u>1</u> Exhibit A - Certified Mail Receipt)(LOFTIS, WILLIAM) (Entered: 07/06/2009)
07/07/2009	<u>61</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 07/07/09, that Plaintiffs and Defendants shall have until July, 27, 2009 to file any additional responses to these two motions. FURTHER that Applicant Defendants shall have until August 6, 2009 to file any reply. The court will issue a final ruling on Applicant Defendants' motions following its consideration of any additional pleadings filed pursuant with this order. (Law, Trina) (Entered: 07/07/2009)
07/07/2009		Set Deadlines: Plaintiffs' and Defendants' Responses due by 7/27/2009. Defendants' Replies due by 8/6/2009. (Law, Trina) (Entered: 07/07/2009)
07/09/2009	<u>62</u>	NOTICE of Filings Affidavits In Support of Its Motion to Intervene as Parties Defendant (doc. no. <u>37</u>) by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMERA RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (Attachments: # <u>1</u> Affidavit Jose Raul Guzman-Centeno, # <u>2</u> Affidavit Carlos Luis Guzman-Avila, # <u>3</u> Affidavit Juan Luis Guzman-Centeno) (WILLIS, ROBERT) Modified on 7/10/2009 to edit text to accurately reflect title of document. (Lloyd, Donna) (Entered: 07/09/2009)
07/27/2009	<u>63</u>	RESPONSE in Opposition re <u>61</u> Order, <i>Plaintiffs' Supplemental Brief in Opposition to Motion to Intervene</i> filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE

		ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Replies due by 8/13/2009. (LOFTIS, WILLIAM) (Entered: 07/27/2009)
07/27/2009	<u>64</u>	APPENDIX re <u>63</u> Response in Opposition to Motion by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit 1 – Nat. Union v. Reichhold, # <u>2</u> Exhibit 2 – Torpharm v. Novopharm, # <u>3</u> Exhibit 3 – Dec. Eury)(LOFTIS, WILLIAM) (Entered: 07/27/2009)
07/27/2009	<u>65</u>	RESPONSE re <u>38</u> Memorandum, <u>37</u> MOTION to Intervene <i>as Parties Defendant</i> filed by JOSE RAUL GUZMAN-CENTENO, JAMES CEASE, LUIS ENRIQUE CISNEROS-IBARRA, MIGUEL ANGEL OLGUIN-HERNANDEZ, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, UNITED FARM WORKERS, JUAN CISNEROS-IBARRA, ALEJANDRO TREJO-LEON, REYMUNDO GUTIERREZ, DESIDERIO TOVAR-ZAPATA, OMER A RODRIGUEZ-GUZMAN, ABELARDO HERNANDEZ-AGUAS, ATANACIO LUGO-RINCON, ARTURO OLGUIN-MONROY, MARIO CENTENO-RODRIGUEZ, CARLOS LUIS GUZMAN-CENTENO, OBDULA MALDONADO-ABELLANEDA filed by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. Replies due by 8/13/2009. (FORNEY, GEOFFREY) (Entered: 07/27/2009)
08/04/2009	<u>66</u>	NOTICE OF APPEAL by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (FORNEY, GEOFFREY) (Entered: 08/04/2009)
08/04/2009	<u>67</u>	MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. Responses due by 8/27/2009. (Attachments: # <u>1</u> Text of Proposed Order)(FORNEY, GEOFFREY) (Entered: 08/04/2009)
08/05/2009	<u>68</u>	Electronic Transmission of Notice of Appeal to US Court of Appeals re <u>66</u> Notice of Appeal. (Law, Trina) (Entered: 08/05/2009)
08/06/2009		TEXT ORDER entered by JUDGE WILLIAM L. OSTEEEN JR. on 8/6/09. On June 29, 2009, this court issued a Memorandum Opinion and Order, preliminary enjoining Defendants from reinstating a H-2A regulation. (Docs. 57, 58.) On August 4, 2009, Defendants appealed the courts June 29, 2009 order. (Doc. 66.) Contemporaneous with filing its Notice of Appeal, Defendants filed a Motion to Stay that order pending appeal. (Doc. 67.) So as to expeditiously resolve Defendants motion, and in light of the similarity between the issues and arguments raised in Defendants motion and the June 29, 2009 Memorandum Opinion and Order, IT IS ORDERED that Plaintiffs file a response brief to Defendants motion (Doc. 67) on or before August 13, 2009. If Defendants wish to file a reply brief, they must do so on or before August 20, 2009.(McCarty, Dianne) (Entered: 08/06/2009)
08/06/2009	<u>69</u>	REPLY to Response to <u>37</u> MOTION to Intervene <i>as Parties Defendant</i> filed by UNITED FARM WORKERS, JAMES CEASE, MARIO

		CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (WILLIS, ROBERT) (Entered: 08/06/2009)
08/06/2009	<u>70</u>	NOTICE of Filing Exhibits re <u>69</u> Reply to Response to Motion by UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (Attachments: # <u>1</u> Exhibit NCGA Intervention Br., # <u>2</u> Exhibit Declaration of Lori Elmer, # <u>3</u> Exhibit 1 to Declaration of Lori Elmer, # <u>4</u> Exhibit Declaration of Jack Holtzman, # <u>5</u> Exhibit 1 to Declaration of Jack Holtzman)(WILLIS, ROBERT) (Entered: 08/06/2009)
08/06/2009		Set Response & Reply Deadlines re <u>67</u> MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> : Response by Plaintiffs due by 8/13/2009. Reply by Defendants due by 8/20/2009. (Law, Trina) (Entered: 08/07/2009)
08/06/2009	<u>73</u>	NOTICE of Docketing Appeal from USCA re <u>66</u> Notice of Appeal filed by UNITED STATES DEPARTMENT OF LABOR, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, JANET NAPOLITANO. USCA Case Number: 09-1878. USCA Case Manager: Jeffrey S. Neal. (Law, Trina) (Entered: 08/11/2009)
08/07/2009	<u>71</u>	MOTION for Clarification of <i>Court's Order</i> by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. Responses due by 8/31/2009. (Attachments: # <u>1</u> Text of Proposed Order) (FORNEY, GEOFFREY) (Entered: 08/07/2009)
08/10/2009	<u>72</u>	ANSWER to <u>1</u> Complaint by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (FORNEY, GEOFFREY) (Entered: 08/10/2009)
08/13/2009	<u>74</u>	RESPONSE in Opposition re <u>67</u> MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Replies due by 8/31/2009. (LOFTIS, WILLIAM) (Entered: 08/13/2009)
08/13/2009	<u>75</u>	APPENDIX re <u>74</u> Response in Opposition to Motion by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA

		GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Tab 1)(LOFTIS, WILLIAM) (Entered: 08/13/2009)
08/20/2009	<u>76</u>	REPLY to Response to <u>67</u> MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> filed by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR. (FORNEY, GEOFFREY) (Entered: 08/20/2009)
08/25/2009		***Motions Submitted: <u>67</u> MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> to JUDGE WILLIAM L. OSTEN JR. (Williamson, Wanda) (Entered: 08/25/2009)
08/25/2009	<u>77</u>	MOTION for Leave to File <i>Surreply</i> by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Responses due by 9/17/2009. (Attachments: # <u>1</u> Exhibit A – Plaintiffs' Surreply)(LOFTIS, WILLIAM) (Entered: 08/25/2009)
08/28/2009	<u>78</u>	MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Clarification of <i>Court's Order</i> by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Responses due by 9/21/2009. (Attachments: # <u>1</u> Text of Proposed Order)(SHEA, ROBIN) (Entered: 08/28/2009)
08/28/2009		***Motions Submitted: <u>78</u> MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Clarification of <i>Court's Order</i> MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Clarification of <i>Court's Order</i> MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Clarification of <i>Court's Order</i> MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Clarification of <i>Court's Order</i> to JUDGE WILLIAM L. OSTEN JR. (Williamson, Wanda) (Entered: 08/28/2009)
09/10/2009	<u>79</u>	RESPONSE re <u>71</u> MOTION for Clarification of <i>Court's Order</i> filed by UNITED STATES DEPARTMENT OF LABOR, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, JANET NAPOLITANO filed by NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL

		EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. Replies due by 9/28/2009. (SHEA, ROBIN) (Entered: 09/10/2009)
09/10/2009	<u>80</u>	APPENDIX re <u>79</u> Response to Motion by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit 1 Wicker Affidavit, # <u>2</u> Exhibit 2 – WH-92, # <u>3</u> Exhibit 3 – WH- 531, # <u>4</u> Exhibit 4 RES Dec. (Part 1 of 8), # <u>5</u> Exhibit 4 RES Aff. (Part 2 of 8), # <u>6</u> Exhibit 4 RES Aff (part 3 of 8), # <u>7</u> Exhibit 4 RES Aff (part 4 of 8))(SHEA, ROBIN) Modified on 9/14/2009 ((pleading located in expandable file). Williamson, Wanda). (Entered: 09/10/2009)
09/10/2009	<u>81</u>	Additional Attachments re <u>80</u> APPENDIX by Plaintiffs NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, MAINE FOREST PRODUCTS COUNCIL, ALTA CITRUS, LLC, EVERGLADES HARVESTING & HAULING, INC., DESOTO FRUIT & HARVESTING, INC, FOREST RESOURCES ASSOCIATION, TITAN PEACH FARMS, INC., H-2A USA, INC., OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA FRUIT & VEGETABLE, VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, FLORIDA CITRUS MUTUAL. (Attachments: # <u>1</u> Exhibit 4 RES Dec (part 6 of 8), # <u>2</u> Exhibit 4 RES Dec (part 7 of 8), # <u>3</u> Exhibit 4 RES Dec (part 8 of 8), # <u>4</u> Exhibit 5 – Executive Order, # <u>5</u> Exhibit 6 – Unpublished case)(SHEA, ROBIN) Modified on 9/14/2009 (pleading located in expandable file) (Williamson, Wanda). (Entered: 09/10/2009)
09/11/2009	<u>82</u>	NOTICE of Hearing: Status Conference as to Motion to Stay and Motion for Clarification of Court Order set for 9/18/2009 12:45 PM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEEEN JR. (Powell, Gloria) (Entered: 09/11/2009)
09/16/2009		Telephone Notice to Attorneys William Loftis and Geoff Forney re: telephone conference scheduled for 9/17/2009 @ 10:00 a.m. Attorney Loftis will initiate the call. (Williamson, Wanda) (Entered: 09/16/2009)
09/16/2009	<u>83</u>	REPLY to Response to <u>71</u> MOTION for Clarification of Court's Order NOTICE OF FILING OF EXHIBIT filed by Intervenor Defendants UNITED FARM WORKERS, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON. (Attachments: # <u>1</u> Affidavit Sworn Declaration of Frank Velasquez, # <u>2</u> Supplement Collective Bargaining Agreement)(WILLIS, ROBERT) (Entered: 09/16/2009)
09/21/2009		TEXT ORDER entered by JUDGE WILLIAM L. OSTEEEN JR. on 9/21/2009. On September 11, 2009, this court scheduled a status conference regarding Defendants

		<p>Motion to Stay (Doc. 67) and Motion for Clarification (Doc. 71). (Doc. 82.) On September 17, 2009, one day before the status conference was scheduled to take place, the court held a telephone conference with attorneys representing Plaintiffs, Defendants and Applicant Defendants. During the telephone conference, Plaintiffs and Defendants jointly requested that the court continue the status conference and delay ruling on Defendants motions for three weeks. The parties maintained that these actions by the court are necessary to allow them a full opportunity to complete settlement discussions that have been conducted in accordance with Fourth Circuit local rules. Applicant Defendants participated in the telephone conference and advised the court that they did not object to the parties joint request. For good cause shown, it is ORDERED that the status conference regarding Defendants Motion to Stay (Doc. 67) and Motion for Clarification (Doc. 71) is continued to October 9, 2009 at 1:00 p.m. In light of the parties joint request and the absence of an objection from Applicant Defendants, the court will reserve ruling on Defendants motions (Docs. 67, 71) until that date.(McCarty, Dianne) (Entered: 09/21/2009)</p>
09/21/2009	<u>84</u>	<p>REPLY to Response to <u>71</u> MOTION for Clarification of <i>Court's Order</i> filed by HILDA L. SOLIS, UNITED STATES DEPARTMENT OF LABOR, JANET NAPOLITANO, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (FORNEY, GEOFFREY) Modified on 9/22/2009 to edit duplicate text. (Lloyd, Donna) (Entered: 09/21/2009)</p>
09/21/2009		<p>Set Deadlines/Hearings: Motion Hearing set for 10/9/2009 01:00 PM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEEEN JR. (Williamson, Wanda) (Entered: 09/22/2009)</p>
09/30/2009	<u>85</u>	<p>NOTICE of Change of Address by MARNI WILLENSON. (WILLENSON, MARNI) (Entered: 09/30/2009)</p>
10/08/2009		<p>Telephone Notice to Attorneys Randy Loftis and Geoff Forney and Gill Beck re: Motion Hearing set for 10/9/2009 04:00 PM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEEEN JR. (Williamson, Wanda) . (Entered: 10/08/2009)</p>
10/09/2009		<p>Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR.: The following counsel was present: Attorneys William Loftis and Robin Shea for the plaintiffs and Attorneys Geoffrey Forney and Gill Beck appeared on behalf of the defendants. Attorney Robert Willis appeared for the intervenor-defendants. Motion Hearing held on 10/9/2009 re <u>67</u> MOTION to Stay <i>Grant of Preliminary Injunction and Supporting Memorandum</i> filed by UNITED STATES DEPARTMENT OF LABOR, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, JANET NAPOLITANO, <u>71</u> MOTION for Clarification of <i>Court's Order</i> filed by UNITED STATES DEPARTMENT OF LABOR, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, JANET NAPOLITANO. The motions are Denied for reasons stated on the record. A written order will be entered. (Court Reporter Joe Armstrong.) (Williamson, Wanda) (Entered: 10/09/2009)</p>
10/14/2009	<u>86</u>	<p>ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 10/14/09, for the reasons set forth in the record at a hearing on these motions held October 9, 2009, Defendant's Motion for Clarification (Doc. <u>71</u>) is DENIED. FURTHER that Defendant's Motion to Stay (Doc. <u>67</u>) is DENIED. (Law, Trina) (Entered: 10/14/2009)</p>
10/29/2009	<u>87</u>	<p>TRANSCRIPT filed.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p>

		re Motion Hearing held June 22,2009, (Preliminary Injunction) Court Reporter J. Armstrong, Telephone number (336) 332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Request Redaction due by 11/12/2009, Redaction Request due 11/19/2009. Redacted Transcript Deadline set for 11/30/2009. Release of Transcript Restriction set for 1/27/2010. (Armstrong, Joe) (Entered: 10/29/2009)
11/20/2009	<u>88</u>	ORDER of USCA as to <u>66</u> Notice of Appeal that upon review of submissions relative to the motion for stay pending appeal, the Court denies the motion. USCA Case Number: 09-1878. (Law, Trina) (Entered: 11/20/2009)
12/03/2009	<u>89</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 12/3/09, that Applicant Intervenors Motion to Intervene as Parties Defendant (Doc. <u>37</u>) is GRANTED. (Law, Trina) (Entered: 12/03/2009)
12/04/2009	<u>90</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 12/4/09, that Plaintiff's Motion for Leave to File Surreply (Doc. <u>77</u>) and Plaintiffs' Response to Defendant's Motion for Clarification of Court's Order and Plaintiff's Request for Extension of Time to File Substantive Response (Doc. <u>78</u>) are DENIED without prejudice as MOOT. Accordingly, the court sets this matter for a status conference on the 18th day of December 2009 at 9:30 a.m. in Greensboro Courtroom 3 to address these issues. If more convenient for the parties, the court will permit counsel to attend in person or by a telephone. Counsel should notify the case manager of their preference on or before the close of business on December 14, 2009. (Law, Trina) (Entered: 12/04/2009)
12/04/2009		Set Hearing: Status Conference set for 12/18/2009, 09:30 AM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEEEN JR. (Law, Trina) (Entered: 12/04/2009)
12/07/2009	<u>91</u>	NOTICE OF APPEAL as to <u>57</u> Memorandum Opinion and Order, <u>59</u> Memorandum Opinion and Order by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Filing fee \$ 455, receipt number 0418-689979. (WILLIS, ROBERT) (Entered: 12/07/2009)
12/09/2009	<u>92</u>	NOTICE of Docketing Appeal from USCA re <u>91</u> Notice of Appeal filed by JOSE RAUL GUZMAN-CENTENO, JAMES CEASE, LUIS ENRIQUE CISNEROS-IBARRA, MIGUEL ANGEL OLGUIN-HERNANDEZ, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, UNITED FARM WORKERS, JUAN CISNEROS-IBARRA, ALEJANDRO TREJO-LEON, REYMUNDO GUTIERREZ, DESIDERIO TOVAR-ZAPATA, OMER A RODRIGUEZ-GUZMAN, ABELARDO HERNANDEZ-AGUAS, ATANACIO LUGO-RINCON, ARTURO OLGUIN-MONROY, MARIO CENTENO-RODRIGUEZ, CARLOS LUIS GUZMAN-CENTENO, OBDULA MALDONADO-ABELLANEDA. USCA Case Number: 09-2356. (Law, Trina) (Entered: 12/09/2009)
12/09/2009		ELECTRONIC NOTICE to all parties re: Telephone/Status Conference is scheduled for 12/18/2009 @ 9:30 a.m. before Judge William L. Osteen, Jr. The parties prefer to participate by telephone (see <u>90</u> order). (Williamson, Wanda). (Entered: 12/09/2009)
12/17/2009	<u>93</u>	<i>DEFENDANT-INTERVENORS ANSWER to <u>1</u> Complaint, AFFIRMATIVE DEFENSES</i> , Counterclaim against by JUAN CISNEROS-IBARRA, ALEJANDRO TREJO-LEON, PEDRO IBARRA-AVILA, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, DESIDERIO TOVAR-ZAPATA, GREGORIO HUERTAS-SAMANO, ABELARDO HERNANDEZ-AGUAS, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN,

		ATANACIO LUGO-RINCON, LUIS ENRIQUE CISNEROS-IBARRA, UNITED FARM WORKERS, MIGUEL ANGEL OLGUIN-HERNANDEZ, OBDULA MALDONADO-ABELLANEDA, JOSE RAUL GUZMAN-CENTENO, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO. (WILLIS, ROBERT) (Entered: 12/17/2009)
12/17/2009	<u>94</u>	MOTION for Notice of Wage Dispute to H-2A Employers by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Responses due by 1/10/2010. (WILLIS, ROBERT) (Entered: 12/17/2009)
12/17/2009	<u>95</u>	MEMORANDUM re <u>94</u> MOTION for Notice of Wage Dispute to H-2A Employers filed by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 12/17/2009)
12/18/2009		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR. Telephone Conference held on 12/18/2009. On December 18, 2009, this court held a status conference by telephone. Randy Loftis, Robin Shea, Geoffrey Forney and Robert Willis present. This court will take no further action in this case until the pending motion (Doc. 94) is ripe for hearing and any responses have been filed to the answer and counterclaims filed by the United Farm Workers. (Doc. 93). At that time, this court will set the matter for a hearing and/or status conference. No discovery will be conducted until the status conference or hearing is held. The Clerk is directed not to set this matter for an initial pretrial conference until further notice of the court. If the parties require any change or modification to the procedure set out herein, they are directed to either file an appropriate motion or request a further conference with the court. (McCarty, Dianne) (Entered: 12/18/2009)
01/07/2010	<u>96</u>	RESPONSE in Opposition re <u>94</u> MOTION for Notice of Wage Dispute to H-2A Employers filed by JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR. Replies due by 1/21/2010. (Attachments: # <u>1</u> Text of Proposed Order)(FORNEY, GEOFFREY) (Entered: 01/07/2010)
01/11/2010	<u>97</u>	RESPONSE re <u>94</u> MOTION for Notice of Wage Dispute to H-2A Employers filed by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. Replies due by 1/28/2010. (LOFTIS, WILLIAM) (Entered: 01/11/2010)
01/15/2010	<u>98</u>	Transcript of Proceedings held on 10/09/09, before Judge William L. Osteen, Jr.. Court Reporter J. Armstrong, Telephone number (336) 332-6034. Transcript may

		<p>be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.<P></p> <p>Redaction Request due 2/5/2010. Redacted Transcript Deadline set for 2/16/2010. Release of Transcript Restriction set for 4/15/2010. (Armstrong, Joe) (Entered: 01/15/2010)</p>
01/19/2010	<u>99</u>	<p>ANSWER to Complaint by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. (LOFTIS, WILLIAM) (Entered: 01/19/2010)</p>
02/04/2010		<p>Motions Submitted: <u>94</u> MOTION for Notice of Wage Dispute to H-2A Employers to JUDGE WILLIAM L. OSTEEEN JR. (Williamson, Wanda) (Entered: 02/04/2010)</p>
02/08/2010	<u>100</u>	<p>ANSWER to <u>1</u> Complaint <i>Amended AFFIRMATIVE DEFENSES</i>, Counterclaim <i>Amended</i> by ALEJANDRO TREJO-LEON, PEDRO IBARRA-AVILA, JAMES CEASE, MARIO CENTENO-RODRIGUEZ, ABELARDO HERNANDEZ-AGUAS, OMER A RODRIGUEZ-GUZMAN, LUIS ENRIQUE CISNEROS-IBARRA, JOSE RAUL GUZMAN-CENTENO, JUAN CISNEROS-IBARRA, DESIDERIO TOVAR-ZAPATA, GREGORIO HUERTAS-SAMANO, ARTURO OLGUIN-MONROY, ATANACIO LUGO-RINCON, UNITED FARM WORKERS, MIGUEL ANGEL OLGUIN-HERNANDEZ, OBDULA MALDONADO-ABELLANEDA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO. (WILLIS, ROBERT) (Entered: 02/08/2010)</p>
02/16/2010	<u>101</u>	<p>STATUS REPORT by JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR. (FORNEY, GEOFFREY) (Entered: 02/16/2010)</p>
02/25/2010	<u>102</u>	<p>ANSWER to <i>AMENDED COUNTERCLAIMS</i>. by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. (LOFTIS, WILLIAM) (Entered: 02/25/2010)</p>
02/26/2010	<u>103</u>	<p>Consent MOTION for Extension of Time To File Motion FOR CLASS CERTIFICATION by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS,</p>

		GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Responses due by 3/22/2010. (Attachments: # <u>1</u> Text of Proposed Order)(WILLIS, ROBERT) (Entered: 02/26/2010)
03/09/2010		Motions Referred: <u>103</u> Consent MOTION for Extension of Time To FILE MOTION FOR CLASS CERTIFICATION to MAG/JUDGE WALLACE W. DIXON. (Williamson, Wanda) (Entered: 03/09/2010)
03/10/2010	<u>104</u>	ORDER signed by MAG/JUDGE WALLACE W. DIXON on 3/10/10, granting <u>103</u> Consent Motion for Extension of Time, that the time period within which defendant-intervenors shall have to file a separate motion for a determination under Rule 23(c)(1)(A), Fed.R.Civ.P., as to whether any of the counterclaims alleged by the defendant-intervenors may be maintained as a plaintiff or defendant class action is extended to the date falling 30 days after the date on which the Court conducts the initial case management meeting pursuant to Rules 16 and 26(f), Fed.R.Civ.P., and Local Rule 26.1, MDNC. (Law, Trina) (Entered: 03/10/2010)
03/12/2010	<u>105</u>	NOTICE of Appearance by attorney ROBERT JAMES WILLIS on behalf of Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 03/12/2010)
03/12/2010	<u>106</u>	NOTICE of Appearance by attorney ROBERT JAMES WILLIS on behalf of Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 03/12/2010)
03/17/2010	<u>107</u>	MANDATE of USCA as to <u>66</u> Notice of Appeal, that this Court's order dismissing this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure takes effect today. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. USCA Case Number: 09-1878. (Law, Trina) (Entered: 03/18/2010)
03/26/2010	<u>108</u>	NOTICE of Hearing: Status Conference/Motion Hearing set for 4/9/2010 09:30 AM in Greensboro Courtroom #3 before JUDGE WILLIAM L. OSTEE N JR. (Williamson, Wanda) (Entered: 03/26/2010)
03/30/2010	<u>109</u>	ORDER of USCA as to <u>91</u> Notice of Appeal, that upon consideration of the motion to dismiss this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, and there appearing no opposition, the Court grants the motion. USCA Case Number: 09-2356. (Law, Trina) (Entered: 03/31/2010)
03/30/2010	<u>110</u>	MANDATE of USCA as to <u>91</u> Notice of Appeal, that this Court's order dismissing this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure takes effect today. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. USCA Case Number: 09-2356. (Law, Trina) (Entered: 03/31/2010)

04/09/2010	<u>111</u>	ORDER denying <u>94</u> Motion for wage dispute. As the case appears ripe to proceed with a Fed R. Civ. P. 26(f) conference (LR 16.1), the court directs that this case be calendared for a conference. Signed by JUDGE WILLIAM L. OSTEEEN JR. on 4/9/10. (Wilson, JoAnne) (Entered: 04/09/2010)
04/09/2010		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR.: Status Conference held on 4/9/2010. Attorney William Loftis and Robin Shea appeared on behalf of the plaintiff. AUSA Geoffrey Forney, AUSA Gill Beck appeared on behalf of the defendant. Attorney Robert Willis and Gregory Schell appeared on behalf of Intervenor-Defendants. <u>94</u> Motion for Wage Dispute-DENIED. Court directs case be calendared for an Initial Pretrial Conference. (Court Reporter Joe Armstrong.) (Williamson, Wanda) (Entered: 04/09/2010)
04/12/2010	<u>112</u>	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 5/19/2010 09:30 AM in Durham Courtroom #1 before MAG/JUDGE WALLACE W. DIXON. (Garrett, Kim) (Entered: 04/12/2010)
05/13/2010	<u>113</u>	Rule 26(f) Report (Joint) filed by all parties by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (Attachments: # <u>1</u> Appendix A - Tolling Agreement, # <u>2</u> Supplement Second Amended Answer and Counterclaims, # <u>3</u> Text of Proposed Order)(WILLIS, ROBERT) (Entered: 05/13/2010)
05/14/2010		Motions Referred: <u>113</u> Rule 26(f) Report (Joint) filed by all parties to MAG/JUDGE WALLACE W. DIXON- (Garrett, Kim) (Entered: 05/14/2010)
05/17/2010	<u>114</u>	AMENDED Rule 26(f) Report (Joint) filed by all parties by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (Attachments: # <u>1</u> Appendix A - Tolling Agreement, # <u>2</u> Supplement Second Amended Answer and Counterclaims, # <u>3</u> Text of Proposed Order)(WILLIS, ROBERT) (Entered: 05/17/2010)
05/17/2010		Motions Referred: <u>114</u> Rule 26(f) Report (Joint) filed by all parties to MAG/JUDGE WALLACE W. DIXON- (Garrett, Kim) (Entered: 05/17/2010)
05/18/2010		ORDER approving <u>114</u> RULE 26F REPORT (JOINT). This approval notwithstanding, the court is not accepting the parties' proposal that discovery be stayed. A stay will be entered, if at all, only upon a separate motion showing good cause. Signed by MAG/JUDGE WALLACE W. DIXON on 5/18/2010. Discovery shall be placed on the exceptional case-management track. Mediation shall be conducted within 75 days after the motion for class certification by the defendant intervenors is decided by the Court. The parties agree that the mediator shall be: Jonathan Harkavy. The defendants should be allowed until June 30, 2010 to join additional parties under the Federal Rules of Civil Procedure or to amend pleadings. The plaintiffs shall have until and including the date falling 75 days after this Joint Rule 26(f) Report is approved to file a motion (s) to join additional parties under the Federal Rules of Civil Procedure or to amend pleadings. The parties have not been able to agree on consent to a magistrate judge. Trial of the action is expected to take approximately 5 days. A jury trial has been demanded. (DIXON, WALLACE) Modified on 5/18/2010 to supplement text (Law, Trina). (Entered: 05/18/2010)

05/18/2010		Set Scheduling Order Deadlines: Defendants' Amended Pleadings due by 6/30/2010. Defendants' Joinder of Parties due by 6/30/2010. Plaintiffs' Amended Pleadings due by 8/1/2010. Plaintiffs' Joinder of Parties due by 8/1/2010. (Law, Trina) (Entered: 05/18/2010)
05/18/2010	<u>115</u>	<i>Second Amended ANSWER to 1</i> Complaint by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 05/18/2010)
05/18/2010	<u>116</u>	Joint MOTION to Stay <i>Discovery</i> by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Responses due by 6/11/2010. (WILLIS, ROBERT) (Entered: 05/18/2010)
05/18/2010	<u>117</u>	MEMORANDUM re <u>116</u> Joint Motion to Stay Discovery filed by Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 05/18/2010)
05/20/2010	<u>118</u>	NOTICE of Appearance by attorney ROBERT JAMES WILLIS on behalf of Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 05/20/2010)
05/24/2010		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. (Gammon, Cheryl) (Entered: 05/24/2010)
05/24/2010		MEDIATION SCHEDULING ORDER ; Mediation shall be conducted within 75 days after the motion for class certification by the defendant intervenors is decided by the Court. (Gammon, Cheryl) (Entered: 05/24/2010)
05/24/2010	<u>119</u>	NOTICE of Special Appearance as to attorney GREGORY S. SCHELL by attorney ROBERT JAMES WILLIS on behalf of Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ,

		ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS (WILLIS, ROBERT) Modified on 5/25/2010 to edit text (Law, Trina). (Entered: 05/24/2010)
05/25/2010	<u>120</u>	ORDER Appointing JONATHAN R. HARKAVY as the mediator pursuant to LR 83.9d(a). Signed by John S. Brubaker, Clerk of Court. (Gammon, Cheryl) (Entered: 05/25/2010)
06/10/2010	<u>121</u>	<i>Third Amended</i> ANSWER with Counterclaim to <u>1</u> Complaint by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. (WILLIS, ROBERT) (Entered: 06/10/2010)
06/24/2010	<u>122</u>	ANSWER to Defendant-Intervenors' <u>121</u> Third Amended Counterclaims by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. (SHEA, ROBIN) (Entered: 06/24/2010)
07/08/2010	<u>123</u>	NOTICE by JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR (<i>Notice of Paper Filing -- Administrative Record</i>) (FORNEY, GEOFFREY) (Entered: 07/08/2010)
08/31/2010	<u>124</u>	MOTION for Summary Judgment by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. Responses due by 10/4/2010 (LOFTIS, WILLIAM) (Entered: 08/31/2010)
08/31/2010	<u>125</u>	MEMORANDUM re <u>124</u> MOTION for Summary Judgment filed by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. (LOFTIS, WILLIAM) (Entered: 08/31/2010)

09/30/2010	<u>126</u>	RESPONSE in Opposition re <u>124</u> MOTION for Summary Judgment filed by JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR. Replies due by 10/18/2010. (Attachments: # <u>1</u> Text of Proposed Order)(FORNEY, GEOFFREY) (Entered: 09/30/2010)
10/04/2010	<u>127</u>	RESPONSE in Opposition re <u>124</u> MOTION for Summary Judgment filed by UNITED FARM WORKERS. Replies due by 10/21/2010. (Attachments: # <u>1</u> Exhibit Unpublished Decision, # <u>2</u> Exhibit Unpublished Decision, # <u>3</u> Exhibit Unpublished Decision)(TURNER, ANDREW) (Entered: 10/04/2010)
10/15/2010	<u>128</u>	REPLY, filed by Plaintiffs ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., to Response to <u>124</u> MOTION for Summary Judgment. (LOFTIS, WILLIAM) Modified on 10/18/2010 to edit duplicate text. (Lloyd, Donna) (Entered: 10/15/2010)
10/18/2010		Motion(s) Referred: <u>116</u> Joint MOTION to Stay <i>Discovery</i> to Judge MAG/JUDGE WALLACE W. DIXON. (Williamson, Wanda) (Entered: 10/18/2010)
10/19/2010	<u>129</u>	ORDER signed by MAG/JUDGE WALLACE W. DIXON on 10/19/2010, that upon consideration of the parties' joint motion to stay discovery pursuant to the terms proposed in the Joint Rule 26(f) Report (Rec. Doc. <u>116</u>) and the motion's supporting memorandum (Rec. Doc. <u>117</u>), it is ORDERED that the motion be GRANTED. (Daniel, J) (Entered: 10/20/2010)
10/20/2010	<u>130</u>	REPLY, filed by Plaintiffs ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. to response to <u>124</u> MOTION for Summary Judgment. (LOFTIS, WILLIAM) Modified docket text on 10/29/2010 to remove duplicate text. (Daniel, J) (Entered: 10/20/2010)
12/10/2010	<u>131</u>	MOTION for Partial Summary Judgment by UNITED FARM WORKERS. Responses due by 1/12/2011 (Attachments: # <u>1</u> Memorandum of Law)(TURNER, ANDREW) Modified on 9/27/2011 terminating motion. Motion was refiled (see #132)(Williamson, Wanda). (Entered: 12/10/2010)
12/13/2010		NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENT(S) re: <u>131</u> MOTION for Partial Summary Judgment. Pleadings should be filed separately. Please refile Motion and Memorandum for Partial Summary Judgment as 2 separate documents. (Daniel, J) (Entered: 12/13/2010)
12/14/2010	<u>132</u>	MOTION for Partial Summary Judgment by UNITED FARM WORKERS. Responses due by 1/16/2011 (TURNER, ANDREW) (Entered: 12/14/2010)
12/14/2010	<u>133</u>	<i>Memorandum of Law in Support</i> <u>132</u> MOTION for Partial Summary Judgment by UNITED FARM WORKERS. Responses due by 1/16/2011 (TURNER, ANDREW) Modified on 9/27/2011 to correct title of the document. The pleading was docketed as a "Motion" rather than a Memorandum(Williamson, Wanda).

		(Entered: 12/14/2010)
01/11/2011	<u>134</u>	RESPONSE in Opposition re <u>132</u> MOTION for Partial Summary Judgment, filed by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. Replies due by 1/28/2011. (SHEA, ROBIN) Modified on 9/27/2011 corrected pldg. # of motion that is responded to (Williamson, Wanda). (Entered: 01/11/2011)
01/28/2011	<u>135</u>	REPLY, filed by Intervenor Defendants JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANÓ, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS, to Response to <u>132</u> MOTION for Partial Summary Judgment. (TURNER, ANDREW) Modified on 2/15/2011 to remove duplicate text. (Daniel, J) . (Entered: 01/28/2011)
04/18/2011		Motions Submitted: <u>133</u> MOTION for Partial Summary Judgment <i>Memorandum of Law in Support</i> , <u>132</u> MOTION for Partial Summary Judgment, <u>131</u> MOTION for Partial Summary Judgment, <u>124</u> MOTION for Summary Judgment to JUDGE WILLIAM L. OSTEEN JR. (Williamson, Wanda) (Entered: 04/18/2011)
09/14/2011		Electronic/Telephone Notice on 9/14/2011 to counsel re: Telephone Conference with Judge William L. Osteen, Jr., @ 2:00 p.m. on 9/14/2011. (Williamson, Wanda) (Entered: 09/14/2011)
09/14/2011		(2nd) Electronic/Telephone Notice on 9/14/2011 to counsel re: Telephone Conference with Judge William L. Osteen, Jr. is scheduled for 3:00 p.m. on 9/14/2011 instead of the previous set time of 2:00 p.m. (Williamson, Wanda) (Entered: 09/14/2011)
09/19/2011		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEN JR.: Telephone Conference held on 9/14/2011. The attorneys present were as follows: William Randolph Loftis, Jr. and Robin E. Shea, on behalf of Plaintiffs; Geoffrey Forney, on behalf of Defendants Hilda L. Solis and the United States Department of Labor; and, Andrew H. Turner, Robert J. Willis, and Gregory S. Schell, on behalf of the Intervenor-Defendants. The court discussed possible dates for a hearing concerning various issues related to summary judgment. The parties advised that they would be available on September 27, 2011 at 2:00 p.m. for such a hearing. (McCarty, Dianne) (Entered: 09/19/2011)
09/20/2011		Set Motion Hearings re <u>132</u> MOTION for Partial Summary Judgment, <u>124</u> MOTION for Summary Judgment : Motion Hearing set for 9/27/2011 02:00 PM in Greensboro Courtroom #1 before JUDGE WILLIAM L. OSTEEN JR. (Williamson, Wanda) . (Entered: 09/20/2011)
09/20/2011	<u>136</u>	NOTICE of Hearing: Motion Hearing set for 9/27/2011 02:00 PM in Greensboro Courtroom #1 before JUDGE WILLIAM L. OSTEEN JR. (Williamson, Wanda) (Entered: 09/20/2011)
09/21/2011	<u>137</u>	NOTICE by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL

		GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, ABDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS <i>OF SPECIAL APPEARANCE</i> by Naomi R. Tsu (Attachments: # <u>1</u> Certificate of Good Standing)(WILLIS, ROBERT) (Entered: 09/21/2011)
09/23/2011	<u>138</u>	MOTION for Leave to File <i>SUPPLEMENTAL MEMORANDUM REGARDING MOOTNESS, Supplemental Reply to <u>126</u> Response and <u>128</u> Reply to Motion for Summary Judgment</i> by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, ABDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMER A RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Responses due by 10/17/2011 (Attachments: # <u>1</u> Supplemental Reply to Motion for Summary Judgment, # <u>2</u> Exhibit A - Tolling List, # <u>3</u> Exhibit B - Tolling Agreements, # <u>4</u> Exhibit C - Summary of employers and tolling agreements by state, # <u>5</u> Text of Proposed Order)(WILLIS, ROBERT) (Entered: 09/23/2011)
09/27/2011		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR.: Motion Hearing held on 9/27/2011 re: Oral Argument on Mootness issue, and <u>132</u> MOTION for Partial Summary Judgment filed by UNITED FARM WORKERS, <u>124</u> MOTION for Summary Judgment filed by VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC., SNAKE RIVER FARMERS ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., FOREST RESOURCES ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, FLORIDA FRUIT & VEGETABLE, EVERGLADES HARVESTING & HAULING, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NATIONAL CHRISTMAS TREE ASSOCIATION, FLORIDA CITRUS MUTUAL, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, ALTA CITRUS, LLC, H-2A USA, INC., DESOTO FRUIT & HARVESTING, INC, NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, TITAN PEACH FARMS, INC. The following attorneys were present: Attorneys Robin Shea and William Loftis appeared on behalf of the plaintiffs. Attorney Geoffrey Forney (appeared by telephone) and AUSA Joan Binkley appeared on behalf of the United States. Attorneys Naomi Tsu and Andrew Turner appeared on behalf of the Intervenor-Defendants. Attorney Naomi Tsu allowed to appear Pro Hac purs. to <u>137</u> Notice of Special Appearance. The pending matters are taken under advisement. (Court Reporter Joseph Armstrong.) (Williamson, Wanda) (Entered: 09/27/2011)
09/29/2011		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR.: Telephone Conference held on 9/29/2011 at 12:30 p.m. with Attorneys Loftis, Shea, Forney. Attorneys Willis and Turner were not present and counsel were instructed to contact Attorneys Willis and Turner and set up a conference call when everyone is available. (Powell, Gloria) (Entered: 09/29/2011)
09/29/2011		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR. Telephone Conference held on 9/29/2011. William R. Loftis, Jr. appeared for Plaintiffs. Geoffrey Forney appeared for the Federal Defendants. Gregory Schell appeared for the Intervenor Defendants. The court and the parties discussed the matter of Plaintiffs claims for declaratory and injunctive relief as to the Withdrawal of Interpretation of the Fair Labor Standards Act Concerning Relocation Expenses Incurred by H-2A and H-2B Workers. The parties agreed that there is nothing for the court to address at this time as to this issue. The court informed the parties that it will file an order as to the Substitution Rule issue in the coming days, but will not enter a judgment until 14 days thereafter, giving the parties an opportunity to notify the court if any outstanding issues need to be addressed. (McCarty, Dianne)

		(Entered: 09/30/2011)
10/04/2011	<u>139</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 10/4/11 that Defendant-Intervenors' Motion for leave to File Supplemental Memorandum Regarding Mootness (Doc. <u>138</u>) is GRANTED. IT IS FURTHER ORDERED that Plaintiffs' Motion for Summary Judgment (Doc. <u>124</u>) is DENIED AS MOOT as to the Federal Defendants. This court retains jurisdiction as to the Federal Defendants pending a final order as to Plaintiffs' claim for attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. IT IS FURTHER ORDERED that Plaintiffs' Motion for Summary Judgment (Doc. <u>124</u>) is GRANTED as to Defendant-Intervenors and Defendant-Intervenors' MOTIONS for Partial Summary Judgment (Docs. <u>131</u> , <u>132</u>) are DENIED. IT IS FURTHER ORDERED that a PERMANENT INJUNCTION is hereby issued, enjoining the implementation of the Substitution Rule (Temporary Employment of H-2A Aliens in the United States, 74Fed. Reg. 25,972 (May 29, 2009)) and denying recovery by Defendant-Intervenors pursuant to their counterclaims by or under the rules set out in Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972 (May 29, 2009). IT IS FURTHER ORDERED that Defendant-Intervenors' claims are DISMISSED WITH PREJUDICE. (Wilson, JoAnne) Modified on 10/14/2011 spacing (Wilson, JoAnne). (Entered: 10/04/2011)
10/19/2011		Telephone Notice to Attorneys Loftis, Forney, Willis and Schell on 10/19/2011 re: submission of additional materials per Judge's instructions during 9/29/2011 Telephone Conference. Per Attorneys Loftis and Forney, no additional materials will be submitted on behalf of plaintiff & defendants. Per Attorney Schell, counsel for intervenor defendants, additional materials forthcoming but these materials are due to the court no later than Monday, 10/24/2011. (Welch, Kelly) (Entered: 10/19/2011)
10/24/2011	<u>140</u>	MOTION FOR INJUNCTION PENDING APPEAL by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMEERA RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Responses due by 11/17/2011 (Attachments: # <u>1</u> Exhibit 4 - Escrow Order April 26, 1985)(WILLIS, ROBERT) (Entered: 10/24/2011)
10/28/2011		Minute Entry for proceedings held before JUDGE WILLIAM L. OSTEEEN JR. Telephone Conference held on 10/28/2011. William R. Loftis, Jr. and Robin Shea appeared for Plaintiffs. Geoffrey Forney appeared for the Federal Defendants. Robert Willis and Gregory Schell appeared for the Defendant Intervenors. The court informed the parties that it was inclined to deny without prejudice the Defendant Intervenors Motion for Injunction Pending Appeal and proceed to entry of judgment as to less than all claims pursuant to Rule 54. This court would retain jurisdiction as to Plaintiffs claim for attorney fees. No party indicated an objection to entry of judgment as to less than all claims. Should any party reconsider, the case manager, Kelly Welch, should be notified immediately. (McCarty, Dianne) (Entered: 10/31/2011)
10/31/2011		MAG/JUDGE L. PATRICK AULD added. MAG/JUDGE WALLACE W. DIXON no longer assigned to case. (Williamson, Wanda) (Entered: 10/31/2011)
10/31/2011	<u>141</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 10/31/2011. Having considered the arguments tendered by Defendant-Intervenors in their Motion and the full record in this case, this court finds that the Motion should be denied. IT IS THEREFORE ORDERED that Defendant-Intervenors' Motion for Injunction Pending Appeal (Doc. <u>140</u>) is hereby DENIED WITHOUT PREJUDICE. (Taylor, Abby) (Entered: 10/31/2011)
10/31/2011	<u>142</u>	JUDGMENT signed by JUDGE WILLIAM L. OSTEEEN JR. on 10/31/2011. There being no just reason for delay, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiffs' Motion for Summary Judgment (Doc. <u>124</u>) is GRANTED as to

		Defendant-Intervenors and a PERMANENT INJUNCTION is issued, enjoining the implementation of the Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972 (May 29, 2009) and denying recovery by Defendant-Intervenors pursuant to their claims by or under the rules set out in Temporary Employment of H-2A Aliens in the United States, 74 Fed. Reg. 25,972 (May 29, 2009). IT IS ORDERED AND ADJUDGED that Defendant-Intervenors' claims are DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs' claims as to the Department of Labor ("DOL"), Hilda L. Solis in her official capacity as Secretary of DOL, the Department of Homeland Security ("DHS"), and Janet Napolitano in her official capacity as Secretary of DHS (collectively, "the Federal Defendants") are DISMISSED AS MOOT. This court retains jurisdiction as to Plaintiffs' claim for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.(Taylor, Abby) (Entered: 10/31/2011)
10/31/2011	<u>143</u>	ORDER signed by JUDGE WILLIAM L. OSTEEEN JR. on 10/31/2011. Plaintiffs' Complaint contains a request for an award of costs and reasonable attorney fees as to the Department of Labor ("DOL"), Hilda L. Solis in her official capacity as Secretary of DOL, the Department of Homeland Security ("DHS"), and Janet Napolitano in her official capacity as Secretary of DHS (collectively, "the Federal Defendants"). (Compl. (Doc. <u>1</u>) at 35.) During the summary judgment briefing, Plaintiffs again stated their intention to seek an award of attorney fees as to the Federal Defendants. (Pls.' Reply to Gov. Defs. (Doc. <u>128</u>) at 1.) In light of the conclusion of substantive issues in this matter, this court finds no reason to delay consideration of Plaintiffs' request for attorney fees. Accordingly, Plaintiffs are directed to submit such briefs and affidavits as may be appropriate to resolve any claim for attorney fees within thirty (30) days of this Order. The Federal Defendants are granted an opportunity to respond to Plaintiffs' motion, as appropriate, in accordance with the Federal Rules of Civil Procedure and the Local Rules of Practice and Procedure. Plaintiffs may file a reply. (Taylor, Abby) (Entered: 10/31/2011)
11/01/2011	<u>144</u>	NOTICE OF APPEAL as to <u>142</u> Judgment, by JAMES CEASE, MARIO CENTENO-RODRIGUEZ, JUAN CISNEROS-IBARRA, LUIS ENRIQUE CISNEROS-IBARRA, REYMUNDO GUTIERREZ, CARLOS LUIS GUZMAN-CENTENO, JOSE RAUL GUZMAN-CENTENO, ABELARDO HERNANDEZ-AGUAS, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, ATANACIO LUGO-RINCON, OBDULA MALDONADO-ABELLANEDA, MIGUEL ANGEL OLGUIN-HERNANDEZ, ARTURO OLGUIN-MONROY, OMEERA RODRIGUEZ-GUZMAN, DESIDERIO TOVAR-ZAPATA, ALEJANDRO TREJO-LEON, UNITED FARM WORKERS. Filing fee \$ 455, receipt number 0418-1010592. (WILLIS, ROBERT) (Entered: 11/01/2011)
11/07/2011	<u>145</u>	Electronic Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>144</u> Notice of Appeal, (Wilson, JoAnne) (Entered: 11/07/2011)
11/09/2011	<u>146</u>	NOTICE of Docketing Appeal from USCA re <u>144</u> Notice of Appeal. USCA Case Number: 11-2235. USCA Case Manager: Donna Lett. (Law, Trina) (Entered: 11/09/2011)
11/09/2011	<u>147</u>	NOTICE of Docketing from USCA re <u>144</u> Notice of Appeal. USCA Case Number 11-2235; Cs. Mgr. Donna Lett (Wilson, JoAnne) (Entered: 11/10/2011)
11/10/2011	<u>148</u>	BILL OF COSTS by Plaintiffs ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. Response to Bill of Costs

		due by 11/28/2011. (Attachments: # <u>1</u> Affidavit of WR Loftis with Supporting Documents)(LOFTIS, WILLIAM) (Entered: 11/10/2011)
11/21/2011	<u>149</u>	NOTICE by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC., EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. <i>Re: Attorneys Fees</i> (LOFTIS, WILLIAM) (Entered: 11/21/2011)
11/28/2011	<u>150</u>	OBJECTIONS to Answer to Bill of Costs <u>148</u> by Defendants JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(FORNEY, GEOFFREY) Modified on 12/8/2011 to link to correct document (Contreras, Jamie). (Entered: 11/28/2011)
12/05/2011	<u>151</u>	RESPONSE filed by Plaintiffs ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC. re <u>150</u> Objection to Answer to Bill of Costs filed by UNITED STATES DEPARTMENT OF LABOR, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, JANET NAPOLITANO filed by ALTA CITRUS, LLC, DESOTO FRUIT & HARVESTING, INC, EVERGLADES HARVESTING & HAULING, INC., FLORIDA CITRUS MUTUAL, FLORIDA FRUIT & VEGETABLE, FOREST RESOURCES ASSOCIATION, H-2A USA, INC., MAINE FOREST PRODUCTS COUNCIL, NATIONAL CHRISTMAS TREE ASSOCIATION, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, NORTH CAROLINA AGRIBUSINESS COUNCIL, INC, NORTH CAROLINA CHRISTMAS TREE ASSOCIATION, NORTH CAROLINA GROWERS' ASSOCIATION, INC., NORTH CAROLINA PICKLE PRODUCERS ASSOCIATION, OVERLOOK HARVESTING COMPANY, LLC, SNAKE RIVER FARMERS ASSOCIATION, TITAN PEACH FARMS, INC., VIRGINIA AGRICULTURAL GROWERS ASSOCIATION, INC.. (LOFTIS, WILLIAM) (Entered: 12/05/2011)
12/19/2011	<u>152</u>	REPLY by Defendants JANET NAPOLITANO, HILDA L. SOLIS, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES DEPARTMENT OF LABOR <i>in Support of Federal Defendants' Motion for Disallowance of Costs.</i> (FORNEY, GEOFFREY) (Entered: 12/19/2011)
01/30/2012	<u>153</u>	TRANSCRIPT filed for dates of 09/27/2011, before Judge William L. Osteen, Jr., re Motion Hearing, Court Reporter J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained

		through PACER. <P> Does this satisfy all appellate orders for this reporter? y Redaction Request due 2/21/2012. Redacted Transcript Deadline set for 3/1/2012. Release of Transcript Restriction set for 4/30/2012. (Armstrong, Joe) (Main Document 153 replaced on 1/31/2012) (Contreras, Jamie). (Entered: 01/30/2012)
02/07/2012	154	JUDGMENT signed by JUDGE WILLIAM L. OSTEEEN JR. on 2/7/12, for the reasons set forth in the Order and Judgment (Docs. 142 , 143) dated October, 31, 2012, the complaint as to Defendants Hilda L. Solis, United States Department of Labor, Janet Napolitano, and United States Department of Homeland Security, is DISMISSED AS MOOT. This court retains jurisdiction only as to the pending Bill of Costs (Doc. 148) for determination by the Clerk. (Law, Trina) (Entered: 02/07/2012)
05/09/2012		Motions Referred: 148 MOTION for Bill of Costs referred to Clerk of Court for consideration pursuant to 154 . (Powell, Gloria) (Entered: 05/09/2012)
12/21/2012	155	OPINION OF USCA. Affirmed by published opinion. Judge Keenan wrote the opinion, in which Judge Wilkinson and Judge Diaz joined. Judge Wilkinson wrote a separate concurring opinion. USCA Case Number 11-2235. (Sheets, Jamie) (Entered: 12/21/2012)
12/21/2012	156	USCA JUDGMENT as to 144 Notice of Appeal, filed by JOSE RAUL GUZMAN-CENTENO, JAMES CEASE, LUIS ENRIQUE CISNEROS-IBARRA, MIGUEL ANGEL OLGUIN-HERNANDEZ, GREGORIO HUERTAS-SAMANO, PEDRO IBARRA-AVILA, UNITED FARM WORKERS, JUAN CISNEROS-IBARRA, ALEJANDRO TREJO-LEON, REYMUNDO GUTIERREZ, DESIDERIO TOVAR-ZAPATA, OMER A RODRIGUEZ-GUZMAN, ABELARDO HERNANDEZ-AGUAS, ATANACIO LUGO-RINCON, ARTURO OLGUIN-MONROY, MARIO CENTENO-RODRIGUEZ, CARLOS LUIS GUZMAN-CENTENO, OBDULA MALDONADO-ABELLANEDA. In accordance with the decision of this court, the judgment of the district court is affirmed. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. USCA Case Number 11-2235. (Sheets, Jamie) (Entered: 12/21/2012)
01/17/2013	157	TAXATION OF COSTS in amount of \$ 384.74 are allowed and taxed against Defendants and Intervenors. Signed by Clerk of Court, John S. Brubaker on 1/17/2013. (Sheets, Jamie) (Entered: 01/17/2013)
02/12/2013	158	MANDATE of USCA as to 144 Notice of Appeal. The judgment of this court, entered 12/21/12, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (Sheets, Jamie) (Entered: 02/12/2013)