

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FRISARD'S TRANSPORTATION, L.L.C.; LOUISIANA
MOTOR TRANSPORT ASSOCIATION, INCORPORATED;
A & B GROUP, INCORPORATED; TRIPLE G EXPRESS,
INCORPORATED; NORTHLAKE MOVING AND
STORAGE, INCORPORATED,

Plaintiffs-Appellants,

v.

No. 24-30223

UNITED STATES DEPARTMENT OF LABOR; VINCENT
MICONE, Acting Secretary, U.S. Department of Labor;
JESSICA LOOMAN, in her official capacity as
Administrator of the Wage and Hour Division;
UNITED STATES DEPARTMENT OF LABOR, WAGE AND
HOUR DIVISION,

Defendants-Appellees.

**MOTION TO HOLD APPEAL IN ABEYANCE AND TO POSTPONE
ORAL ARGUMENT**

Defendants-appellees United States Department of Labor, *et al.*, respectfully move to postpone the oral argument currently scheduled for February 5, 2025, and to hold this appeal in a brief abeyance, with a status report from the Department due in 60 days. This motion is unopposed.

1. This appeal involves a challenge to a rule issued by the Department of Labor that provides interpretive guidance regarding the classification of workers as employees or independent contractors under the Fair Labor Standards Act. 89 Fed.

Reg. 1638 (Jan. 10, 2024). This case is currently scheduled for oral argument on February 5, 2025.

2. Due to the recent change in administration on January 20, 2025, there is new Department of Labor leadership. Those new agency officials are currently in the process of onboarding and familiarizing themselves with the issues presented in this case and related litigation. To provide new leadership with sufficient time to familiarize themselves with these issues and determine how they wish to proceed, the government respectfully requests that the Court postpone the February 5 oral argument and place this case in a brief abeyance, with a status report from the Department of Labor due in 60 days. Postponement of oral argument will conserve judicial resources and promote the efficient and orderly disposition of this appeal, including by ensuring that any oral argument occurring before this Court will reflect the views of current agency leadership.

3. Counsel for the appellants has represented that they do not oppose this motion.

CONCLUSION

For the foregoing reasons, the government respectfully requests that the February 5 oral argument be postponed and that this appeal be held in abeyance, with a status report to be filed by the Department of Labor in 60 days.

Respectfully submitted,

MICHAEL D. GRANSTON
**Deputy Assistant Attorney General*

MICHAEL S. RAAB

/s/ Jennifer L. Utrecht
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JANUARY 2025

* The Acting Assistant Attorney General, Brett Shumate, is recused from this matter.

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 298 words.

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2025, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Jennifer L. Utrecht
Jennifer L. Utrecht