

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

NORTH CAROLINA GROWERS' ASSOCIATION, INC. et al v. Date Filed: 06/09/2009
SOLIS et al Jury Demand: None
Assigned to: JUDGE WILLIAM L. OSTEEEN JR. Nature of Suit: 790 Labor: Other
Cause: 05:551 Administrative Procedure Act Jurisdiction: U.S. Government Defendant

Plaintiff

**NORTH CAROLINA GROWERS'
ASSOCIATION, INC.**

represented by **ROBIN E. SHEA**
CONSTANGY BROOKS & SMITH, LLC
100 N. CHERRY ST., STE. 300
WINSTON-SALEM, NC 27101
336-721-1001
Fax: 336-748-9112
Email: rshea@constangy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS, JR.
CONSTANGY BROOKS & SMITH, LLC
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LEAD ATTORNEY
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Plaintiff

**NATIONAL CHRISTMAS TREE
ASSOCIATION**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS, JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

FLORIDA FRUIT & VEGETABLE

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS, JR.
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

**VIRGINIA AGRICULTURAL
GROWERS ASSOCIATION, INC.**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**SNAKE RIVER FARMERS
ASSOCIATION**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NATIONAL COUNCIL OF
AGRICULTURAL EMPLOYERS**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NORTH CAROLINA CHRISTMAS
TREE ASSOCIATION**

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NORTH CAROLINA PICKLE
PRODUCERS ASSOCIATION**

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

FLORIDA CITRUS MUTUAL

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**NORTH CAROLINA AGRIBUSINESS
COUNCIL, INC**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**MAINE FOREST PRODUCTS
COUNCIL**

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ALTA CITRUS, LLC

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**EVERGLADES HARVESTING &
HAULING, INC.**

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

DESOTO FRUIT & HARVESTING, INC

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

FOREST RESOURCES ASSOCIATION

represented by **ROBIN E. SHEA**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TITAN PEACH FARMS, INC.

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

H-2A USA, INC.

represented by **ROBIN E. SHEA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**OVERLOOK HARVESTING
COMPANY, LLC**

represented by **ROBIN E. SHEA**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

WILLIAM RANDOLPH LOFTIS , JR.
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

HILDA L. SOLIS
*In her official capacity as United States
Secretary of Labor*

Defendant

**UNITED STATES DEPARTMENT OF
LABOR**

Defendant

JANET NAPOLITANO
*In her official capacity as United States
Secretary of Homeland Security*

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**

Date Filed	#	Docket Text
06/09/2009	<u>18</u>	AMENDED DOCUMENT 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. <i>Certificate of Service.</i> (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>16</u>	NOTICE 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 re <u>3</u> Memorandum,,,,, (Attachments: # <u>1</u> Affidavit C. Stanford Eury, Jr.)(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>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>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>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>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>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>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>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>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>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>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>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) (Entered: 06/09/2009)
06/09/2009	<u>3</u>	MEMORANDUM filed 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 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>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.

		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>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)

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