

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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LABNET INC., d/b/a Worklaw Network;  
SHAW & ROSENTHAL LLP; ALLEN,  
NORTON & BLUE, P.A.; COLLAZO  
FLORENTINO & KEIL LLP;  
DENLINGER, ROSENTHAL &  
GREENBERG; KAMER ZUCKER  
ABBOTT; KEY HARRINGTON BARNES,  
P.C.; LEHR MIDDLEBROOKS  
VREELAND & THOMPSON, P.C.; NEEL  
HOOPER & BANES, P.C.; SEATON,  
PETERS & REVNEW, P.A.; SKOLER,  
ABBOTT & PRESSER, P.C.; and UFBERG  
& ASSOCIATES, LLP,

Case No. 16-CV-0844 (PJS/KMM)

ORDER

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
LABOR; THOMAS E. PEREZ, in his  
official capacity as Secretary of Labor;  
and MICHAEL J. HAYES, in his official  
capacity as Director, Office of Labor-  
Management Standards,

Defendants.

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Douglas P. Seaton and Thomas R. Revnew, SEATON, PETERS & REVNEW, P.A.;  
Eric Hemmendinger, Mark J. Swerdlin, and Parker E. Thoeni, SHAW &  
ROSENTHAL LLP, for plaintiffs.

Elisabeth Layton, UNITED STATES DEPARTMENT OF JUSTICE; Ann M.  
Bildtsen, UNITED STATES ATTORNEY'S OFFICE, for defendants.

Plaintiff Labnet, Inc. (“Labnet”) is an association of law firms that represent management in labor and employment matters. The remaining plaintiffs are members of Labnet. Plaintiffs filed this action seeking to enjoin the implementation of a rule (the “Persuader Rule”) recently promulgated by defendant United States Department of Labor (“DOL”) under the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA”), 29 U.S.C. § 401 et seq. On June 22, 2016, the Court denied plaintiffs’ motion for a temporary restraining order. ECF No. 61.

This matter is before the Court on the parties’ cross-motions for summary judgment, which are scheduled to be heard in two days. In light of the results of the recent presidential election, however, plaintiffs have filed a letter indicating that they seek a stay or, in the alternative, dismissal without prejudice, on the ground that the incoming administration is highly likely to take a different view of the validity of the Persuader Rule. Defendants have filed a letter opposing this request.

Having considered the parties’ letters, the Court agrees with plaintiffs that there is significant reason to believe that the new administration will withdraw the Persuader Rule—or at least decline to defend the validity of the Persuader Rule in its current form. In addition, another court has already entered a nationwide permanent injunction preventing implementation of the Rule. *See Nat’l Fed’n of Indep. Bus. v. Perez*, No. 16-CV-0066, ECF No. 135 (N.D. Tex. Nov. 16, 2016).

For the time being, then, there is nothing at stake in this litigation, and it would be a waste of judicial resources for the Court to prepare for, hold a hearing on, and rule on the parties' pending summary-judgment motions. The Court will therefore deny those motions without prejudice, stay this action, and direct the parties to file a status report no later than March 1, 2017.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The parties' motions for summary judgment [ECF Nos. 78, 87] are DENIED WITHOUT PREJUDICE.
2. This action is hereby STAYED until further order of the Court.
3. No later than March 1, 2017, the parties must file a status report informing the Court of the Department of Labor's plans with respect to the Persuader Rule and the defense of this litigation.

Dated: December 7, 2016

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge