

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Lubbock Division**

FLINT AVENUE, LLC,

*Plaintiff,*

v.

U.S. DEPARTMENT OF LABOR; JULIE  
SU, Acting Secretary, U.S. Department of  
Labor, in her official capacity; JESSICA  
LOOMAN, Administrator, Wage and Hour  
Division, U.S. Department of Labor, in her  
official capacity,

*Defendants.*

CASE NO: 5:24-cv-130-H

ORAL ARGUMENT REQUESTED

**PLAINTIFF'S MOTION FOR STAY OR PRELIMINARY INJUNCTION**

Plaintiff Flint Avenue LLC hereby moves the Court pursuant to Section 705 of the Administrative Procedure Act, Rule 65 of the Federal Rules of Civil Procedure, and this Court's June 6, 2024 Order (ECF 5) for a stay "to postpone the effective date" of Defendants' Final Rule entitled *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees*, 89 Fed. Reg. 32,842 (Apr. 26, 2024), "pending conclusion of the review proceedings." 5 U.S.C. § 705. In the alternative, Plaintiff respectfully requests a preliminary injunction to prevent the application of the Final Rule to it. In support of this motion, Plaintiff relies on the accompanying brief in support and its Complaint (ECF 1).

Plaintiff also requests an opportunity to be heard on this motion as soon as the Court's schedule allows.

June 12, 2024

Respectfully Submitted

/s/ Karen Cook

Sheng Li, *pro hac vice* forthcoming  
John J. Vecchione, *pro hac vice* forthcoming  
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*Attorneys for Plaintiff*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on June 10 and 11, 2024, counsel for Plaintiff and Defendants conferred through email and telephone regarding this motion. Counsel for Defendants stated that Defendants oppose this motion.

/s/ Karen Cook

**CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2024, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record. I further certify that, pursuant to the Court's June 6, 2024 Order (ECF 5), I served the complaint, the foregoing motion, and the accompanying brief on U.S. Attorney of the Northern District of Texas, Leigha Simonton, and Chief of the Civil Division for the Northern District of Texas, Ken Coffin at the following address:

U.S. Attorney for the Northern District of Texas  
1100 Commerce Street, Third Floor  
Dallas, TX 75242

/s/ Karen Cook