

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

BAYOU LAWN & LANDSCAPE  
SERVICES, et al.

CASE NO. 3:11cv445/MCR/EMT

Plaintiffs,

v.

HILDA A. SOLIS, in her official  
capacity as United States Secretary  
of Labor, et al.,

Defendants.

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**MOTION FOR LEAVE TO FILE A BRIEF AS AN AMICUS CURIAE**

Now comes the Chamber of Commerce of the United States of America (the “Chamber”) and moves this Court for leave to file the attached brief as amicus curiae in support of Plaintiffs’ Motion for a Preliminary Injunction (Memo. at ECF 4).

The Chamber is the world’s largest federation of businesses and associations. The Chamber represents 300,000 direct members and indirectly represents an underlying membership of more than three million U.S. businesses and professional organizations of every size and in every industry sector and geographic region throughout the country. More than 96% of the U.S. Chamber members are small businesses with 100 employees or fewer. A principal function of the Chamber is to represent the interests of its members by filing amicus briefs in cases, like this one, involving issues of vital concern to the nation’s business community.

The H-2B visa program at issue in this case impacts a large range of businesses across many sectors around the nation, and has a direct and substantial impact on many of the Chambers' members. The Chamber provided comments in response to the two DOL rulemakings at issue in this case. The Chamber, representing the national business community, will provide a different perspective than Plaintiffs by focusing on a broad view of how the regulatory scheme is inconsistent with the statutory scheme set forth by Congress in the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq. In order to assist the Court, and not repeat the arguments of the parties, the Chamber's amicus brief will focus on three specific ways that the Department of Labor's Wage Methodology Rules violate the Administrative Procedure Act, 5 U.S.C. §§ 553 and 701, et seq. The Eleventh Circuit has recognized the value business associations can bring to a case as amici curiae. See e.g. *Grupo Televisa, S.A. v. Telemundo Communications Group, Inc.*, 485 F.3d 1233, 1244 (11th Cir. 2007) (citing favorably to amicus curiae briefs of business associations).

The Chamber's amicus brief is relevant to the disposition of this case because it shows why Plaintiffs should be granted preliminary and permanent injunctive relief. The Chamber has contacted the parties. Plaintiffs consented to the Chamber's motion for leave to file to file an amicus brief. The Defendant, the government, stated it would oppose the Chambers' motion.

Respectfully submitted,

/s/ John Butler Rosenquest IV

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2011, I electronically filed the foregoing using the CM/ECF system which will send a notice of electronic filing to all parties as listed on the Notice of Electronic Filing.

/s/John B. Rosenquest IV

John B. Rosenquest IV