

1 Mark Selwyn (SBN 244180)  
2 mark.selwyn@wilmerhale.com  
3 WILMER CUTLER PICKERING  
4 HALE AND DORR LLP  
5 2600 El Camino Real  
6 Suite 400  
7 Palo Alto, California 94306  
8 Telephone: (650) 858-6031  
9 Facsimile: (650) 858-6100

10 *Attorney for Plaintiffs*

11 MICHAEL D. GRANSTON  
12 Deputy Assistant Attorney General  
13 ERIC WOMACK  
14 Assistant Branch Director  
15 MICHAEL J. GAFFNEY (D.C. Bar No. 1048531)  
16 Trial Attorney  
17 United States Department of Justice  
18 Civil Division, Federal Programs Branch  
19 1100 L St. NW  
20 Washington, DC 20005  
21 Tel: (202) 514-2356  
22 Email: Michael.J.Gaffney@usdoj.gov

23 *Attorneys for Defendants*

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19 UNITED FARM WORKERS, *et al.*,

20 Plaintiffs,

21 v.

22 THOMAS J. VILSACK, in his official capacity  
23 as the Secretary of the United States  
24 Department of Agriculture, *et al.*,

25 Defendants.

Case No. 1:20-CV-01452-DAD-JLT

**JOINT STIPULATION OF DISMISSAL**

1 IT IS HEREBY STIPULATED, by and between the parties that the above-captioned action is  
2 dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The reasons  
3 for this Stipulation are as follows:

4 1. On September 30, 2020, Defendants published a notice in the Federal Register announcing  
5 its intent to cancel data collection for the Farm Labor Survey (FLS) that was originally scheduled to be  
6 conducted in October 2020 and to cancel the corresponding publication of the Farm Labor Report (FLR)  
7 that was originally scheduled for November 2020 (Notice). *See Notice of Revision to the Agricultural*  
8 *Labor Survey and Farm Labor Reports by Suspending Data Collection for October 2020*, 85 Fed. Reg.  
9 61719 (Sept. 30, 2020).

10 2. On October 13, 2020, Plaintiffs filed their Complaint, ECF 1, and a Motion for a  
11 Temporary Restraining Order and Preliminary Injunction (Motion), seeking injunctive relief to prevent  
12 Defendants from canceling the October 2020 FLS data collection and the November 2020 FLR  
13 publication. ECF 3.

14 3. On October 28, 2020, following expedited briefing and oral argument, the Court granted  
15 Plaintiffs' Motion (Order). ECF 33. The Order stated "that defendants shall be restrained and prevented  
16 from giving effect to the September 30, 2020 decision to suspend the October 2020 FLS and cease  
17 publication of the November 2020 FLR." *Id.* at 28.

18 4. On November 25, 2020, the Court denied Defendants' Motion to Modify and Dissolve the  
19 Temporary Restraining Order and Preliminary Injunction. ECF 43.

20 5. Accordingly, USDA conducted the FLS data collection previously scheduled for October  
21 2020, and on February 11, 2021, USDA's National Agricultural Statistics Service published the FLR that  
22 had previously been scheduled for November 2020, reporting the quarterly and annual data based on the  
23 FLS data collection. *See* NASS, Farm Labor Report, February 11, 2021,  
24 [https://downloads.usda.library.cornell.edu/usda-esmis/files/x920fw89s/f7624565c/2v23wn12m/  
25 fmla0221.pdf](https://downloads.usda.library.cornell.edu/usda-esmis/files/x920fw89s/f7624565c/2v23wn12m/fmla0221.pdf).

26 6. NASS has indicated that it intends to perform the next FLS as scheduled in April 2021 and  
27 release the next FLR on May 26, 2021. *See* NASS, *Publications – Reports by Date (May 2021)*,  
28 [https://www.nass.usda.gov/Publications/Calendar/reports\\_by\\_date.php?month=05](https://www.nass.usda.gov/Publications/Calendar/reports_by_date.php?month=05).

1           7.       The parties therefore agree that this litigation is now moot.

2           The Parties therefore stipulate that the above-captioned action is dismissed without prejudice,  
3 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

4  
5 Dated: March 26, 2021

By: /s/ Mark Selwyn  
MARK SELWYN (SBN 244180)  
Wilmer Cutler Pickering Hale and Dorr LLP  
  
*Attorney for Plaintiffs*

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7  
8 Dated: March 26, 2021

MICHAEL D. GRANSTON  
Deputy Assistant Attorney General  
ERIC WOMACK  
Assistant Branch Director

9  
10  
11 By: /s/ Michael Gaffney (authorized 3/25/21)  
MICHAEL J. GAFFNEY (D.C. Bar No. 1048531)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
  
*Attorneys for Defendants*