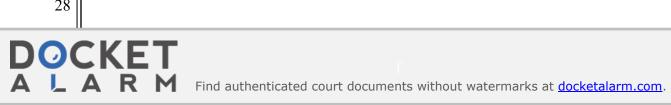
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7		A TEG DIGEDICE COURT			
8	IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION				
10		Case No. 1:20-cv-01690-DAD-JLT			
11	UNITED FARM WORKERS and UFW FOUNDATION,				
12		PLAINTIFF'S REPLY IN FURTHER SUPPORT OF THEIR			
13	Plaintiffs,	MOTION TO ENFORCE COMPLIANCE WITH THE COURT'S			
13	v.	PRELIMINARY INJUNCTION			
15	THE UNITED STATES DEPARTMENT OF LABOR and MARTIN J. WALSH, in his	Motion Date: April 20, 2021			
16	official capacity as United States Secretary of Labor, 1				
	Defendants.				
17	Defendants.				
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25 26					
27	¹ Pursuant to Fed. R. Civ. P. 25(d), Secretary Martin J. Walsh has been automatically substituted for former Acting				
28	Secretary Milton Al Stewart.				



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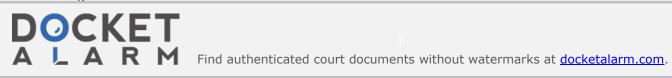
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INTRODUCTION

H-2A workers and U.S. farmworkers in corresponding employment were denied the wage increases to which they were entitled for the first two months of 2021, likely costing the typical California farmworker \$325 and farmworkers nationwide more than \$10 million in aggregate.² For farmworkers and their families already struggling to survive on subsistence incomes, this is a significant loss. And they suffered that loss solely because the U.S. Department of Labor (DOL), in coordination with the U.S. Department of Agriculture (USDA), unlawfully sought to alter the H-2A program to transfer billions of dollars from farmworkers to growers through an unpermitted freeze of DOL's Adverse Effect Wage Rates (AEWRs). Had the Government complied promptly with this Court's injunction in *United Farm Workers v. Perdue*, No. 1:20-cv-1452-DAD-JLT (E.D. Cal. Oct. 28, 2020) (Perdue Injunction), DOL would have been able to promulgate updated 2021 AEWRs before the end of calendar year 2020, as the H-2A program regulations require, and rates would have increased accordingly. But DOL nonetheless failed to timely publish updated AEWRs as the law requires. Plaintiffs now respectfully request that the Court order Defendants to direct growers to reimburse farmworkers for the wages lost between January 1, 2021 and February 23, 2021, to prevent farmworkers from bearing the costs of the Government's illegal administrative actions, as contemplated by the Court's preliminary injunction and supplemental order of January 12, 2021. See Order, United Farm Workers v. Dep't of Labor, No. 1:20-cv-1690-DAD-JLT (E.D. Cal. Dec. 23, 2020), ECF No. 37 (PI Order); Suppl. Order Regarding Prelim. Inj. Relief, United Farm Workers v. Dep't of Labor, No. 1:20cv-1690-DAD-JLT (E.D. Cal. Dec. 23, 2020), ECF No. 39 (Suppl. Order).

Defendants contest relatively little of Plaintiff's motion. They dispute neither the likely amounts due to qualifying farmworkers nor the Government's sole responsibility for those lost wages. Nor does DOL suggest that Plaintiffs' proposed remedy would be administratively impracticable.

² See U.S. Dep't of Labor, Employment and Training Administration – Performance Data – H-2A Disclosure Data FY2021 Q1, https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/H2A_Disclosure_Data_FY2021_Q1.xlsx (last visited Mar. 10, 2021); U.S. Dep't of Labor, Employment and Training Administration – Performance Data – H-2A Disclosure Data FY2020, https://www.dol.gov/sites/dolgov/files/ETA/oflc/pdfs/H-2A_Disclosure_Data_FY2020.xlsx (last visited Mar. 10, 2021).



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