

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FRISARD'S TRANSPORTATION, L.L.C; LOUISIANA
MOTOR TRANSPORT ASSOCIATION, INCORPORATED;
A & B GROUP, INCORPORATED; TRIPLE G EXPRESS,
INCORPORATED; NORTHLAKE MOVING AND
STORAGE, INCORPORATED,

Plaintiffs-Appellants,

v.

UNITED STATES DEPARTMENT OF LABOR; LORI
CHAVEZ-DEREMÉR, U.S. Secretary of Labor;
DONALD M. HARRISON, III, in his official capacity as
Acting Administrator of the Wage and Hour Division;
UNITED STATES DEPARTMENT OF LABOR, WAGE AND
HOUR DIVISION,

Defendants-Appellees.

No. 24-30223

STATUS REPORT

Defendants-appellees United States Department of Labor, *et al.*, respectfully file this status report in the above-captioned case.

As noted in the government's prior filings, the Department intends to reconsider the regulation at issue in this litigation and is exploring available options, including whether to issue a notice of proposed rulemaking rescinding the rule. Consistent with the Department's expressed intent to reconsider the rule, the Wage and Hour Division published on May 1 a Field Assistance Bulletin providing that the

Wage and Hour Division “will no longer apply the 2024 Rule’s analysis when determining employee versus independent contractor status in FLSA investigations.”¹

We have been informed that the Department continues to move forward with its reconsideration but there are currently no publicly available updates.

As further noted in the government’s prior filings, three of the four other cases challenging the rule at issue were placed in abeyance in April and May of this year. *See Warren v. U.S. Dep’t of Labor*, No. 24-13505, Dkt. No. 32 (11th Cir. Apr. 14, 2025); *Littman v. Department of Labor*, No. 25-5335, Dkt. No. 11 (6th Cir. May 2, 2025); *Coalition for Workforce Innovation v. Chavez-DeRemer*, No. 1:21-cv-130, Dkt. No. 118 (E.D. Tex. Apr. 29, 2025). After the government filed its most recent status report, the fourth case was placed in abeyance as well. *See Colt & Joe Trucking LLC v. U.S. Department of Labor*, No. 25-2022, Dkt. No. 20 (10th Cir. June 16, 2025).

Respectfully submitted,

/s/ Michael S. Raab
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JULY 2025

¹ <https://www.dol.gov/sites/dolgov/files/WHD/fab/fab2025-1.pdf>.

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2025, I electronically filed the foregoing status report with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Michael S. Raab
Michael S. Raab