

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

**TEXO ABC/AGC, INC., ASSOCIATED  
BUILDERS AND CONTRACTORS, INC.,  
NATIONAL ASSOCIATION OF  
MANUFACTURERS, AMERICAN FUEL &  
PETROCHEMICAL MANUFACTURERS,  
GREAT AMERICAN INSURANCE  
COMPANY, ATLANTIC PRECAST  
CONCRETE, INC., OWEN STEEL  
COMPANY, and OXFORD PROPERTY  
MANAGEMENT LLC,  
PLAINTIFFS,**

**v.**

**THOMAS E. PEREZ, SECRETARY OF  
LABOR, UNITED STATES DEPARTMENT  
OF LABOR, et al.,**

**DEFENDANTS.**

**CIVIL ACTION NO.  
3:16-cv-1998**

**RESPONSE TO “OBJECTION” OF DEFENDANTS  
TO SCOPE OF RELIEF REQUESTED BY PLAINTIFFS**

Twenty-four days after the completion of briefing on Plaintiffs’ Emergency Motion for Preliminary Injunction, and without leave of Court, Defendants have filed a document entitled “Objection To Newly Requested Relief.” [ECF 30]. Defendants’ “Objection” is not permitted by the Federal or Local Rules, and should either be stricken or ignored by the Court. The Objection is also in error. Plaintiffs’ Reply does not seek nationwide relief “for the first time.” *Id.* Rather, Plaintiffs’ Reply simply made explicit what was implicit in Plaintiffs’ Motion and Proposed Order, both of which sought (and continue to seek) an injunction that vacates the challenged Rule without limitation.

The relief requested in both Plaintiffs' Reply and Plaintiffs' Motion and Proposed Order is the same nationwide relief that has been repeatedly ordered in this Circuit by courts enjoining unlawful federal rules that are national in scope. *See, e.g., Texas v. United States*, 809 F.3d 134, 188 (5th Cir. 2015), as revised (Nov. 25, 2015) ("The Constitution vests the District Court with 'the judicial Power of the United States.' That power is not limited to the district wherein the court sits but extends across the country."); *Texas v. U.S.*, 787 F.3d 733 (5th Cir. 2015) (affirming nationwide injunction of an executive order that was inconsistent with immigration statutes); *Nat'l Fed'n of Ind. Bus. v. Perez*, Case No. 5:16-cv-00066-C (N.D. Tex. June 27, 2016) ("Where a party brings a facial challenge alleging that agency action violated APA procedures, a nationwide injunction is appropriate[;]" noting also that the plaintiff trade associations' membership was located throughout the country, as is also true in the present case).

Respectfully submitted,

/s/Steven McCown

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2016, a copy of the foregoing Response to Objection was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/Steven McCown  
Steven McCown