

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

FLINT AVENUE, LLC, )  
)  
Plaintiff, )  
)  
v. )  
)  
U.S. DEPARTMENT OF LABOR, *Et Al.*, )  
)  
Defendants. ) Civil Action No. 5:24-CV-130-C

**ORDER**

On this date, the Court considered the Motion for Summary Judgment [ECF No. 40] filed by Plaintiff, along with the Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment [ECF No. 45]. The Court further considered Plaintiff's Response to the Defendants' Cross-Motion [ECF No. 53], along with the Defendants' Reply [ECF No. 58]. Finally the Court considered the Supplemental Briefs filed by the Parties [ECF Nos. 60 and 61].<sup>1</sup>

After careful consideration of the arguments presented, along with the record before the Court, the Court finds the reasoning in *Texas v. US Dep't of Labor*, — F.Supp.3d —, 2024 WL 4806268 (E.D. Tex. Nov. 15, 2024), to be persuasive and hereby adopts said reasoning in ruling that Plaintiff's Motion for Summary Judgment is **GRANTED** and Defendants' Cross-Motion for Summary Judgment is **DENIED**.<sup>2</sup>

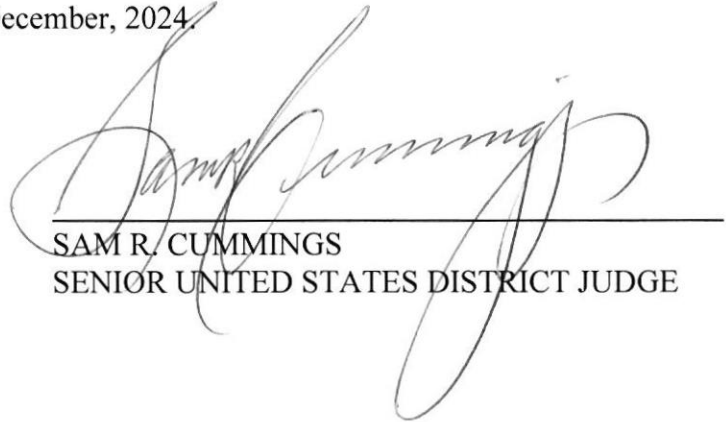
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<sup>1</sup>The Court finds that Plaintiff has standing because it is an employer that is an object of the 2024 Final Rule at issue.

<sup>2</sup>Plaintiff contends in its Supplemental Brief that the ruling in *Texas v. US Dep't of Labor* does not moot the above-styled and -numbered civil action because said ruling has been appealed.

Like the Court in *Texas v. US Dep't of Labor*, — F.Supp.3d —, 2024 WL 4806268 (E.D. Tex. Nov. 15, 2024), this Court finds that the 2024 Final Rule is hereby **SET ASIDE** and **VACATED**.<sup>3</sup>

SO ORDERED this 30<sup>th</sup> day of December, 2024.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>3</sup>As noted by the Court in *Texas v. US Dep't of Labor*, consistent with controlling circuit precedent, vacature and remand to the Department of Labor for further consideration is the proper remedy.