IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

TRIPLE R FARMS, LLC, Plaintiff, vs. UNITED STATES DEPARTMENT OF LABOR, LORI CHAVEZ-DEREMER in her official capacity as Secretary of Labor, and ANDREW ROGERS, in his official capacity as Administrator of Wage and Hour Division, Defendants.	Civil Action No. 5:26-cv-00087-REW-MAS

MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

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INTRODUCTION

When the federal government seeks to adjudicate private rights and impose monetary penalties, the Constitution prescribes the forum: an Article III court, before an independent judge, with a Seventh Amendment jury. The Constitution does not allow the Executive to prosecute and adjudicate penalties in its own in-house tribunals. *See SEC v. Jarkesy*, 603 U.S. 109 (2024). Yet the U.S. Department of Labor (DOL) is doing exactly that. It is using its own in-house agency "courts" to extract more than $70,000 in crippling penalties and back wages from Plaintiff Triple R Farms, LLC based on alleged breaches of work contracts with seasonal laborers hired through the H-2A visa program. In doing so, DOL has appointed itself prosecutor, judge, and jury.

In a case with materially identical facts, a unanimous panel of the Third Circuit concluded that this very adjudicatory scheme violates Article III. *See Sun Valley Orchards, LLC v. DOL*, 148 F.4th 121 (3d Cir. 2025), *petition for cert. docketed*, No. 25-966 (Feb. 17, 2026). Even so, DOL presses forward. Triple R Farms has raised its constitutional objections to the agency, but its objections were overruled by the DOL's in-house administrative law judge (ALJ). The agency's in-house administrative process is therefore barreling towards a merits hearing set for ***September 16, 2026***, with other prehearing motion deadlines even closer on the horizon.

These ongoing unconstitutional proceedings are imposing irreparable injury on Triple R—as it is expending its limited time and resources defending itself in a fundamentally unconstitutional administrative proceeding—and that injury will only become more acute if the September hearing goes forward as scheduled. Even apart from the concrete costs imposed by the adjudication, forced participation in an unconstitutional administrative proceeding is a "here-and-now" injury that "is impossible to remedy once the proceeding is over" because a "proceeding that has already happened cannot be undone." *Axon Enter., Inc. v. FTC*, 598 U.S. 175, 191 (2023). The Constitution does not require Triple R to run that gauntlet.

Triple R respectfully requests a preliminary injunction pursuant to Federal Rules of Civil Procedure 65(a) to enjoin DOL's ongoing administrative adjudication. Triple R also notes that this Court may, under Rule 65(a)(2), consolidate a preliminary injunction hearing with the final merits, and Triple R would consent to convert this to a motion for summary judgment so that this Court could enter a permanent injunction and final judgment. *See* Fed. R. Civ. P. 56(b); *see also Backpage.com, LLC v. Cooper*, No. 12-cv-654-JTN, 2013 WL 1249063, at *2 (M.D. Tenn. Mar. 27, 2013). Under Local Rule 7.1(f), Triple R also respectfully requests oral argument.

BACKGROUND

I. TRIPLE R FARMS

Triple R Farms is a family-owned tobacco farm in Berry, Kentucky. *See* Decl. of Debbie Lynn Ross in Support of Mot. for Prelim. Injunction ("Ross Decl.") ¶ 2. Its owners, David and Debbie Ross, bought the land in the late 1990s. *Id.* ¶ 4. David primarily does the farm work, and Debbie does the administrative work, including handling employment-related issues. *Id.* The area where Triple R is located used to be blanketed with tobacco farms, but these days they are far less common, due in large part to labor-intensive harvests and dwindling profit margins. *Id.* ¶ 5.

The Rosses are committed to farming even if it is not particularly profitable. *Id.* Each year, David plants the tobacco seeds in the spring and later harvests the crop by hand, not machine. *Id.* ¶ 6. This is because machines are incredibly expensive and nobody with a farm like the Rosses can afford to use one. *Id.* But David cannot do that work alone. *Id.* Instead, Triple R relies on seasonal workers sourced from the H-2A visa program. *Id.* ¶ 8. Without these workers, it would be impossible for Triple R to operate. *Id.*

II. THE H-2A PROGRAM

Through the H-2A program, employers who cannot find sufficient numbers of eligible, willing, and available domestic workers can hire foreign agricultural workers on a temporary

basis. *See* 8 U.S.C. §§ 1101(a)(15)(H)(ii)(a), 1188(a). The H-2A program exists at the intersection of labor and immigration law, and it is administered jointly by DOL and the Department of Homeland Security (DHS). The two agencies oversee separate parts of the application process: Employers must obtain a "labor certification" from DOL through a process that focuses on labor-related issues, including conditions of employment. *Id.* § 1188(a)(1)(B). And employers must separately obtain approval from DHS through a process that deals with immigration-related issues, including the workers' immigration status and eligibility. *See* 8 C.F.R. § 214.2(h)(5). This case only concerns the DOL labor certification process.

As part of DOL's labor certification process, employers like Triple R must fill out a "job order," 20 C.F.R. § 655.121(a), which sets out the "minimum benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide" both to H-2A workers and to domestic workers in the same role, *id.* § 655.122(a). The job order must offer the same terms to foreign and domestic workers, *id.*, and it is first posted domestically, for the benefit of U.S. workers, before it is circulated to non-U.S. workers. *Id.* § 655.121(f). Various DOL regulations set out minimum terms and conditions regarding working conditions that must be incorporated into the job order—covering things like housing, transportation, hours, wages, deductions, and recordkeeping. *See id.* § 655.122(c); *see also id.* §§ (d)–(p). The terms of the job order must then be incorporated into a written contract with the workers, or, absent a separate written contract, the job order functions as the contract. *See id.* § 655.122(q).

The contractual agreement between the employer and the workers can be enforced in two distinct ways. First, private parties—employers and employees—may bring state law breach of contract claims. *See, e.g.*, *Lopez v. Fish*, No. 11-cv-113-JRG, 2012 WL 2126856, at *2 (E.D. Tenn. May 21, 2012) ("[T]here are federal cases too numerous to count which have held that H-

2A workers may pursue state breach of contract claims against employers who fail to comply with ["job orders"] issued by the DOL.").

Alternately, federal law authorizes the Secretary of Labor to "impos[e]" penalties and "seek[ ]" other remedies to "assure employer compliance with terms and conditions of employment" set out in the job order. 8 U.S.C. § 1188(g)(2). Purporting to rely on this language, DOL has promulgated regulations authorizing its Wage and Hour Division to enforce the terms of the job order in the agency's own in-house courts. *See generally* 29 C.F.R. § 501.1 (regulating "investigations, inspections, and law enforcement functions" concerning "obligations under a work contract between an employer of H-2A workers and the H-2A workers"); *id.* § 501.16; 20 C.F.R. § 655.101(b). Just like private breach-of-contract actions, these administrative actions seek to enforce the "contractual obligations" of H-2A employers. 29 C.F.R. § 501.0.

Enforcement actions proceed in three stages: First, DOL (through the Wage and Hour Division) conducts audits and, if it finds violations, issues a "Determination Notice" identifying alleged violations, imposing liability (civil penalties and back wages), and informing the employer of its right to request an administrative hearing. *See* 29 C.F.R. §§ 501.31–.33. If an employer does not request an administrative hearing within 30 days of the Notice, the Notice becomes a final agency order and (per DOL regulations) is not subject to judicial review. *See id.* § 501.33(a). Unless the employer requests an administrative hearing, the liability imposed in the Notice becomes a debt owed to the government, and interest begins to accrue. *See* Ex. A.[1]

Second, if an employer does challenge the Notice, DOL refers the case to an Administrative Law Judge (ALJ) for a hearing. *See* 29 C.F.R. § 501.37. Following the hearing,

[1] Citations to "Ex." refer to the exhibits to the declaration of Carl Wu, filed with this memorandum. *See Doe #11 v. Lee*, 609 F. Supp. 3d 578, 592 (M.D. Tenn. 2022) (courts have broad latitude to consider evidence on a motion for a preliminary injunction).

the ALJ issues a written order containing "a statement of the findings and conclusions, with reasons and basis therefor." *Id.* § 501.41(a)–(b).

Third, if an employer wishes to continue to contest liability following the ALJ decision, the employer is required to file a petition for discretionary review with an in-house appellate court called the Administrative Review Board, which is staffed by agency judges. *See id.* § 501.41(d). If the employer fails to seek review with the ARB, the ALJ's decision becomes final and is not subject to any judicial review. *See id.* § 501.42.

When the ARB either declines review or issues its decision, the liability imposed by the agency becomes final. *See id.* §§ 501.45–.47. There is no DOL-specific provision for judicial review, but an employer can seek review under the general provisions of the Administrative Procedure Act, 5 U.S.C. §§ 704, 706, under which the "district judge sits as an appellate tribunal," *Frank's Nursery, LLC v. Walsh*, No. 21-cv-3485, 2022 WL 2757373, at *5 (S.D. Tex. July 14, 2022), reviewing the agency decision under the deferential APA standard of review.

III. THE PENDING ENFORCEMENT PROCEEDING

Triple R Farms' odyssey through DOL's administrative procedures began in December 2021, when the agency's investigators came to the farm for a routine audit. Ross Decl. ¶ 19. After months of back-and-forth communication with DOL, and months of silence, a DOL inspector set up an in-person meeting to discuss the agency's findings in January 2023. *Id.* ¶ 20. At the meeting, the inspector told the Rosses that DOL sought to impose tens of thousands of dollars in penalties. *Id.* ¶ 21. The Rosses were shocked. They had never had any issues with DOL before, and, to their knowledge, no workers had ever complained about work conditions or any pay-related issues. *Id.* ¶ 22. And they do not have money to pay such liability. *Id.* ¶ 31.

Soon after, DOL sent a Determination Notice stating that the agency was seeking to impose over $70,000 in penalties and back wages. *See* Ex. A. The allegations set out in the Notice all

concern violations of the "minimum benefit, wage, and working condition provisions" that, per DOL regulations, must be included in the job order and (by extension) the work contract. *See* 20 C.F.R. § 655.122(c) (job order must incorporate "provisions listed in paragraphs (d) through (q)"); Ex. A at 7–10 (alleging violations of paragraphs (d), (h), (i), (j), (k), (*l*), and (p)).

Adjudication of these alleged violations will require interpreting the law and finding facts, including assessing credibility. For example, DOL claims that Triple R is liable for $28,786 in back wages and $13,497 in penalties because it allegedly violated the job order's "three-fourths guarantee," under which Triple R guaranteed workers could work at least three-quarters of the workdays in the period specified in the job order. 20 C.F.R. § 655.122(i). It is true that workers left early during the 2021 season after a late-season flood. *See* Ross Decl. ¶¶ 16, 27. But whether Triple R Farms is liable depends on ***why*** the workers left: If the workers left voluntarily, they are not owed anything. *See* 20 C.F.R. § 655.122(n). Plus, because DOL regulations contain an "impossibility" exception if "weather ... makes the fulfillment of the contract impossible," 20 C.F.R. § 655.122(o), the late-season flood that destroyed the farm's crop offers a defense to the charge. On the other hand, if the workers were fired without cause, then Triple R is liable.

DOL also seeks $15,746 in penalties related to the alleged failure of Triple R to provide workers with adequate transportation. *See* Ex. A at 10 (citing 20 C.F.R. § 655.122(h)(4)). Here, DOL alleges that workers were "required to utilize" a van with inadequate seating capacity and no seat belts. *Id.* The Rosses, however, claim that they made another larger vehicle available and had no idea the workers took the seat belts out of the van. *See* Ross Decl. ¶ 28. Again, liability turns on questions of fact and law, including what type of "employer-provided transportation" Triple R provided, *see* 20 C.F.R. § 655.122(h)(4)(i), as well as whether Triple R did, in fact, "allow any other person to operate" the vehicle lacking seat belts, *id.* § 655.122(h)(4)(ii).

The remainder of the alleged violations likewise involve the minimum requirements that are incorporated into the job order. DOL alleges that Triple R did not compensate one employee for the cost of inbound transportation ($180 in back wages), *id.* § 655.122(h)(1); took unspecified wrongful deductions ($240 in back wages), *id.* § 655.122(p); improperly recorded hours and pay rates ($511.77 in back wages and $2,454 in civil penalties), *id.* § 655.122(*l*); had inadequate recordkeeping ($8,180 in civil penalties), *id.* § 655.122(j)(1); and failed to have the workers' housing properly inspected by state regulators ($2,454 in civil penalties), *id.* § 655.122(d)(6). *See* Ex. A at 7–10. These allegations likewise turn on factual questions about what happened and legal questions about what the "minimum benefit, wage, and working condition provisions" in the job order require, 20 C.F.R. § 655.122(c).

Per DOL regulations, if Triple R had failed to "make a written request for an administrative hearing" in response to this Determination Notice, the Notice would have become a final agency order that would not be subject to any further judicial review. *See* 29 C.F.R. § 501.33(a); *see also* Ex. A at 3 (statement, in Determination Notice, that if "Triple R Farms LLC does not make a timely request, this determination will become a final order of the Secretary of Labor and may no longer be appealed"). So, on March 23, 2023, Triple R filed the necessary hearing request. *See* Ex. B. Then, after a delay of ***over a year*** on the part of DOL, the case was finally assigned to DOL ALJ Willow Eden Fort on May 7, 2024. *See* Ex. C; Ex. E at 2.[2] At that point, Triple R moved to dismiss on grounds of undue delay, *see* Ex. E, but the ALJ denied the motion, concluding that "there was delay, but little if no harm," Ex. F at 4.

[2] ALJ Fort has been employed by the DOL for over half of her career. ALJ Fort completed her education in 2002. She worked as a trial attorney in the DOL's Office of the Regional Solicitor representing the Secretary of Labor in enforcement actions beginning in 2011, and was appointed as a DOL ALJ in Cincinnati, Ohio in November 2021. *See* Ex. D at 3.

On July 15, 2024, shortly after the ALJ denied Triple R's motion challenging the agency's delay, Triple R notified the ALJ that it objected to the agency's adjudication under the Seventh Amendment. *See* Ex. G at 1. The parties then engaged in lengthy settlement negotiations, which nearly resolved the case but ultimately broke down. *See* Ex. H at 1–2. DOL moved on July 23, 2025, to set the case for a hearing, *see id.*, and on August 6, 2025, Triple R filed a motion asserting its rights under the Seventh Amendment and Article III, *see* Ex. I.

On December 22, 2025, ALJ Fort issued a written order overruling Triple R's constitutional objections. *See* Ex. J. She explained that, as an ALJ, she lacked authority to declare DOL's procedures unconstitutional. *Id.* at 3 ("[T]his Tribunal … must presume that the laws under which it operates are valid, unless it is instructed otherwise."). With that preamble, however, she also stated that, in her view, DOL's procedures are not unconstitutional, as "*Jarkesy* recognized that some matters, such as immigration, are excepted from the jury trial right," *id.* at 7, and "the H-2A program [falls] within the immigration exception," *id.* at 9. By the same order, ALJ Fort scheduled the administrative hearing in the case for September 16, 2026. *See id.* at 9–10.

Triple R moved to certify the ALJ's order for interlocutory review by the ARB, but, on February 20, 2026, ALJ Fort denied that request, reasoning that the ARB "does not have the ability to determine the constitutionality of the statutes and/or regulations that are brought before it." Ex. K at 4. That order leaves Triple R with no further avenue to attempt to vindicate its constitutional rights before the agency.

With the hearing date set, a bevy of other pre-hearing deadlines are now also approaching. *See* Ex. L. Among other things, evidentiary motions and non-dispositive trial motions are due August 18; prehearing statements and exhibits are due August 27; and objections to witnesses and exhibits are due September 10. *See id.* Even apart from the loss of time, expenditure of money,

and stress that these procedures will entail for the Rosses, the Rosses fundamentally do not want to be forced to defend themselves before an agency employee. *See* Ross Decl. ¶¶ 36–48.

LEGAL STANDARD

"A plaintiff seeking a preliminary injunction must establish that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The last two factors "merge when the government is the defendant." *Commonwealth v. Biden*, 57 F.4th 545, 556 (6th Cir. 2023). If this Court chooses to consolidate the final merits with the preliminary injunction, *see* Fed. R. Civ. P. 65(a)(2), the "standard for a preliminary injunction is essentially the same as for a permanent injunction," except that a party seeking permanent relief must show "actual success" rather than just a "likelihood of success." *Amoco Prod. Co. v. Village of Gambell*, 480 U.S. 531, 546 n.12 (1987).

ARGUMENT

Below, **Part I** explains that Triple R is likely to succeed on the merits. DOL seeks civil penalties and monetary relief for alleged breaches of contract, and those claims involve "private rights" that must be adjudicated in an Article III court with a Seventh Amendment jury. DOL's claims fall far outside the Supreme Court's limited and narrow "public rights" exception for immigration cases, as they involve working conditions at the farm rather than the movement of a prohibited class of persons across the border. Next, **Part II** establishes that Triple R will suffer irreparable harm absent an injunction. The deprivation of constitutional rights—an intangible harm that cannot be reduced to a sum of money—necessarily constitutes irreparable injury. Moreover, litigation before the agency imposes tangible costs in time, money, and stress that cannot be recouped because of the government's sovereign immunity. Finally, **Part III** explains that the balance of equities and public interest, which merge when the government is the opposing party,

favor an injunction. The government would not be harmed by being forced to wait to enforce its unconstitutional procedures while this litigation proceeds to final judgment.

I. TRIPLE R FARMS IS LIKELY TO PREVAIL ON THE MERITS.

Triple R Farms is likely to prevail on its claims under Article III and the Seventh Amendment. Those claims involve a straightforward application of *SEC v. Jarkesy*, 603 U.S. 109 (2024), which invalidated SEC in-house adjudication of civil penalties. The Third Circuit recognized as much when it applied *Jarkesy* to hold that DOL violated Article III by adjudicating a materially identical enforcement proceeding. *See Sun Valley Orchards LLC v. DOL*, 148 F.4th 121 (3d Cir. 2025). In fact, as noted above, because this is purely a question of law, this Court could skip straight to the merits under Rule 65(a)(2) and hold that Triple R is not only "likely" to prevail but does prevail on these claims.

A. Triple R Farms Is Likely To Prevail On Its Article III Claim.

Article III vests the "judicial power" in the federal courts and defines that judicial power to include "*all* Cases, in Law and Equity, arising under … the Laws of the United States." U.S. Const. art. III (emphasis added). Because that power is vested in the judiciary, Congress and the Executive cannot "withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty." *Murray's Lessee v. Hoboken Land & Improvement Co.*, 59 U.S. 272, 284 (1856). Such matters must instead be adjudicated in Article III courts before independent Article III judges.

The Third Circuit in *Sun Valley* held that DOL's enforcement proceedings violate Article III, and it bears emphasis exactly how on-point the decision in *Sun Valley* is here. Like this case, *Sun Valley* involved workers in the country on H-2A visas. *See* 148 F.4th at 125. As in this case, DOL alleged that some of the workers were terminated before the end of the work period, resulting in the workers not being paid all the hours they were owed under the job order's "three-fourths

guarantee." *See id.* at 126.[3] Just as here, DOL in *Sun Valley* also alleged issues with the transportation provided to the workers. *See id.* As here, the liability that DOL sought to impose for those alleged violations encompassed both penalties and back wages. *See id.* at 124. Finally, DOL in *Sun Valley* compelled the farm to defend itself in the same administrative enforcement scheme at issue in this case. *See id.* at 125 (citing 29 C.F.R. § 501.33). On those materially identical facts, the Third Circuit held that "Article III required the Department of Labor to instead proceed before a federal district court," *id.* at 132, and this Court should hold the same.

To test whether a case must proceed in an Article III court, the Supreme Court has articulated a distinction between "private" and "public" rights. Cases that implicate "private rights" must be tried in the Article III courts, whereas cases that involve "public rights" can be tried in the executive branch. *See, e.g., Oil States Energy Servs., LLC v. Greene's Energy Grp., LLC*, 584 U.S. 325, 334 (2018). Below, we first explain that DOL's allegations involve matters of "private right," and, second, explain that no "public rights" exception applies.

i. DOL's Allegations Implicate Triple R Farms' Private Rights.

While the Supreme Court has declined to chart the full extent of the "private rights" category, the Court has explained that, at a minimum, the category includes at its core any "suit … 'made of the stuff of the traditional actions at common law tried by the courts at Westminster.'" *Stern v. Marshall*, 564 U.S. 462, 484 (2011) (citation omitted). "If a suit is in the nature of an action at common law, then the matter presumptively concerns private rights, and adjudication by an Article III court is mandatory." *Jarkesy*, 603 U.S. at 128. Moreover, a suit can be "in the nature

[3] Just like in this case, the workers in *Sun Valley* signed forms indicating that they were leaving the farm voluntarily, but DOL alleged that those forms did not reflect the workers' true reasons for leaving. 148 F.4th at 126. In both cases, then, a key factual question would be why the workers left before the end of the season.

of an action at common law" even if it seeks to enforce statutory or regulatory provisions contained in a regulatory scheme, as "what matters is the substance of the action, not where Congress has assigned it." *Id.* at 134.

Here, the substance of DOL's allegations is "in the nature of an action at common law," because DOL's claims are fundamentally breach-of-contract claims. *See Sun Valley*, 148 F.4th at 128–29. DOL regulations set out minimum standards for wages, benefits, and working conditions for H-2A employers at 20 C.F.R. § 655.122(d)–(p), and provide that those minimum standards must be incorporated into the job order, *id.* § 655.122(c). The terms of the job order then form a contract with the workers. *Id.* § 655.122(q). The agency's Notice of Determination alleges violations of those same minimum requirements. *See* Ex. A at 7–10. And DOL's regulations are clear that when the agency brings an enforcement action based on those minimum requirements, the purpose of the action is to enforce the employer's contractual obligation to its workers. *See* 29 C.F.R. § 501.0 (regulations setting out enforcement scheme "cover the enforcement of all contractual obligations" between H-2A employers and workers); *see also id.* § 501.30 (procedures for enforcement apply to "the enforcement of provisions of the work contract"). As the Third Circuit explained, citing these same provisions, "[i]t is the violation of the terms of the work contract, rather than the regulations that shape it, that supports H-2A enforcement actions." 148 F.4th at 128.

While this is true of all DOL's allegations—all of which involve requirements that are incorporated into the job order—it is even more obviously true of the alleged violation of the "three-fourths guarantee." The job order set out the hours that the workers were being offered, and DOL's allegation is, fundamentally, that the workers were permitted to work fewer hours than they were offered. The Notice of Determination spells that out expressly: "Specifically, the

investigation disclosed that the employer did not meet the ¾ guaranteed hours offered for 11 workers for the 2021. contract." Ex. A at 8 (stray period in original).

On top of the contractual nature of DOL's claims, this case also implicates Triple R's private rights because DOL seeks to impose penalties. *See Sun Valley*, 148 F.4th at 129. That is precisely the same type of liability that DOL sought to impose in *Sun Valley* and that the SEC sought to impose in *Jarkesy*, and the Supreme Court held, in *Jarkesy*, that "civil penalties [are] a punitive remedy that we have recognized 'could only be enforced in courts of law.'" *Jarkesy*, 603 U.S. at 134 (quoting *Tull v. United States*, 481 U.S. 412, 422 (1987)). Notably, that was not the only remedy the government was seeking in *Jarkesy*; the government was also seeking equitable relief, including "to ban Jarkesy from participation in securities industry activities." *Jarkesy v. SEC*, 34 F.4th 446, 454 (5th Cir. 2022). Yet, even so, the Supreme Court placed heavy reliance on the fact that the SEC was seeking to impose the traditional common law remedy of civil penalties, explaining that, "[i]n this case, the remedy is all but dispositive." 603 U.S. at 123. This Court could likewise begin and end the private rights analysis with the fact that DOL seeks penalties.

DOL also seeks back wages, and the Supreme Court has also held that back wages are a "traditional form of relief offered in the courts of law." *Chauffeurs Loc. 391 v. Terry*, 494 U.S. 558, 570 (1990); *see also Sun Valley*, 148 F.4th at 129. The ALJ below reasoned that back wages are not a traditional common law remedy because "[d]amages seeking to make an injured party whole are equitable." Ex. J at 6. But, to the contrary, an action to "impose personal liability … for a contractual obligation to pay money" is "the classic form of legal relief." *Great-W. Life Annuity & Ins. Co. v. Knudson*, 534 U.S. 204, 210 (2002). Back wages are also sometimes available in equity—for instance if incidental to an injunction—but Article III does not require plumbing the precise details of the law/equity distinction, as Article III extends to cases in both "Law ***and***

Equity." U.S. Const. art. III (emphasis added). It suffices, for these purposes, that back wages are a traditional remedy available at common law for the types of breach-of-contract claims at issue in this case. And in any event, as explained *infra* pp. 18–19, in the context of the Seventh Amendment, the back wages sought here are legal and not equitable.

Finally, while the common law nature of the claims and remedies makes this an easy case, ultimately this case implicates Triple R's private rights for a more basic reason: Cases to take private property implicate "private rights." *See Jarkesy*, 603 U.S. at 149–51 (Gorsuch, J., concurring); *see also Axon*, 598 U.S. at 197 (Thomas, J., concurring) (explaining that at the founding "[d]isposition of private rights to life, liberty, and property was understood to fall within the core of the judicial power" (marks and citation omitted)). Because DOL seeks to confiscate Triple R's private property, it must pursue its claims in a real court with a real judge—not an agency bureaucrat.

ii. No "Public Rights" Exception Applies.

While the nature of DOL's claims establishes a "presumption" in favor of Article III, this Court still must determine whether some "public rights exception" allows DOL to take this case outside of Article III. *Jarkesy*, 603 U.S. at 131–32. The Supreme Court in *Jarkesy*, however, explained that this public rights doctrine should be narrowly applied, because the "public rights exception is, after all, an *exception*." *Id.* at 131 (emphasis in original). To the extent there is any doubt, courts should err in favor of real judges and juries: "[E]ven with respect to matters that arguably fall within the scope of the 'public rights' doctrine, the presumption is in favor of Article III courts." *Id.* at 132 (citation omitted).

In the underlying agency proceeding, the DOL ALJ found that the adjudication here fell within the public rights exception because *Jarkesy* "specifically carves out immigration as an area

of law in which administrative tribunals may continue to hear cases." Ex. J at 5. This was the same argument that DOL made in *Sun Valley*, however, and the Third Circuit rightly rejected it. *See* 148 F.4th at 129. The Third Circuit explained that, "[w]hile history does sanction non-Article III adjudication for certain immigration-related matters, this case falls well outside the heartland of that tradition." *Id.* After all, "[r]ules about worker hours, housing, cooking, and transportation regard employment law, not Congress' plenary authority to control immigration." *Id.* at 131 (marks omitted). The same reasoning applies here.

While it is true that the Supreme Court in *Jarkesy* recognized an immigration-related exception, the Court described that exception in words that make clear it does not apply. The Court stated that Congress may "prohibit immigration by certain classes of persons and enforce those prohibitions with administrative penalties." 603 U.S. at 129. Here, by contrast, liability is not being imposed to "enforce" a prohibition on "immigration by certain classes of persons." *Id.* Instead, liability is being imposed based on issues at the farm. Put differently, DOL does not allege that the workers at Triple R Farms were wrongly allowed into the country; rather, DOL alleges the workers should have worked more hours, should have been provided better transportation, and should have been treated differently in various other respects.

Comparison with past Supreme Court cases applying this immigration-related exception is instructive. In both *Oceanic Steam Navigation Co. v. Stranahan*, 214 U.S. 320, 332 (1909), and *Lloyd Sabaudo v. Elting*, 287 U.S. 329, 331 (1932), federal law made it unlawful for ships to bring aliens into the country if those aliens were afflicted with certain diseases. Customs inspectors were authorized to impose fines for violations and to collect the fine as a condition of granting permission for the ship to disembark. *See* 214 U.S. at 332; 287 U.S. at 331, 333 & n.1. Both cases thus involve fines for bringing certain classes of persons across the border that were imposed and

collected at the border as a condition of a ship departing across the border—a type of penalty adjudication that, in the Third Circuit's words, "related closely to the admission and exclusion of aliens." 148 F.4th at 130. Those cases have nothing in common with fines imposed based on working conditions at a farm.

To support a contrary conclusion, the government bears the burden under *Jarkesy* to point to some concrete evidence of historical practice whereby executive officers adjudicated the types of claims at issue here. *See* 603 U.S. at 129–32. Not just any history is good enough: Courts should look for "an unbroken tradition—long predating the founding—of using these kinds of proceedings," *id.* at 128, and should take "pains to justify the application of the exception … by explaining that it flow[s] from centuries-old rules," *id.* at 131. Here, by contrast, the ALJ's decision rejecting Triple R Farms' objections to the agency forum pointed to far more recent history from the twentieth century. *See* Ex. J at 8–9.[4] The reality is, DOL has never cited any relevant history that would support executive branch adjudication of these types of employment-related claims; and that is because there is no such history.

To be clear, none of the above casts any doubt on the ability of the executive branch to adjudicate mine-run immigration cases. Going back to the founding, executive officers decided whether to admit or deny admission to the country, and cases that deal with the admission or expulsion of aliens easily fit within the public rights doctrine. *See Elgebaly v. Garland*, 109 F.4th 426 (6th Cir. 2024). Similarly, Triple R Farms does not dispute that DOL could adjudicate an

[4] *Butler Amusements, Inc. v. DOL*, No. 24-cv-1042, 2025 WL 2457687 (D.D.C. Aug. 26, 2025), cited by the ALJ below, is similarly unpersuasive. There, the court rejected a challenge to DOL's adjudication of cases involving the related H-2B program (for non-agricultural temporary workers) and cited "a long history of immigration laws governing the admission and exclusion of noncitizens to the U.S. work force." *Id.* at *8. A generic history of executive control over "immigration" writ large does not establish that the types of employment-related issues here can be adjudicated outside the Article III courts.

action to exclude the farm from the H-2A program or that other agencies could adjudicate actions to deport the H-2A workers that it employs. *See Sun Valley*, 148 F.4th at 131. When the focus instead turns to "confiscating [the defendant's] property," however, the government "must provide for a judicial trial," *Wong Wing v. United States,* 163 U.S. 228, 237 (1896), particularly when penalties and back wages are imposed for employment-related issues like the ones at issue here.[5]

B. Triple R Farms Is Likely To Prevail On Its Seventh Amendment Claim.

If a case involves private rights, then "an Article III court must decide it, with a jury if the Seventh Amendment applies." *Jarkesy*, 603 U.S. at 127. Because this case involves private rights—as explained at length above—this Court could issue injunctive relief on the ground that "an Article III court must decide it" without reaching the further question of whether the "Seventh Amendment applies." *Id.*; *see also Sun Valley*, 148 F.4th at 128 n.3; *Stern*, 564 U.S. at 484. However, the Seventh Amendment does apply, and Triple R is therefore also likely to prevail on its claim under the Seventh Amendment.

The Seventh Amendment provides that the right to a jury shall be "preserved" in "Suits at common law." U.S. Const. amend. VII. As a result, the Seventh Amendment applies to claims that are "legal in nature." *Jarkesy*, 603 U.S. at 122. As with the "private rights" doctrine, it makes no difference that the claims are statutory or regulatory in origin, so long as they are in the nature of claims at common law. *See id.* at 135; *see also Granfinanciera SA v. Nordberg*, 492 U.S. 33, 52 (1989) (government cannot "conjure away the Seventh Amendment by mandating that traditional legal claims be ... taken to an administrative tribunal."). As a result, the Seventh Amendment

[5] Article III judges can, of course, refer parts of such cases to non-Article III magistrates or other adjuncts working under the judge's supervision. Such adjuncts are, however, "appointed and subject to removal by Article III judges" and work subject to the supervision of the Article III courts. *Wellness Int'l Network, Ltd. v. Sharif*, 575 U.S. 665, 677 (2015) (citation omitted). Agency judges cannot be sustained under such an "adjunct" theory.

"applies" for largely the same reasons that this case implicates "private rights," including the nature of the remedies and the analogy to a breach-of-contract claim.

Still, because Article III extends to cases in both "Law ***and*** Equity," U.S. Const. art. III, whereas the Seventh Amendment only applies to "Suits at common law," *id.* amend. VII, the precise contours of the law/equity distinction assume greater significance in the Seventh Amendment context. When it comes to civil penalties, *Jarkesy* held that the law/equity distinction turns on whether penalties are "designed to punish or deter," and the Court found that was true in *Jarkesy* in large part because the factors the SEC weighed when assessing penalties "tie[d] the availability of civil penalties to the perceived need to punish." 603 U.S. at 123–24. The same is true here, as DOL assesses penalties based on factors including a "[p]revious history of violation(s)," the "gravity of the violation(s)," "good faith" compliance, any "[e]xplanation" for the violation, and any "[c]ommitment to future compliance." 29 C.F.R. § 501.19(b). As in *Jarkesy*, "several [of these factors] concern culpability, deterrence, and recidivism." 603 U.S. at 123–24.[6]

DOL also seeks back wages, and the Supreme Court has separately held that back pay is legal (and "not restitutionary") in nature where the back pay "is not money wrongfully held by the [defendant], but wages and benefits [the employees] would have received" absent the violation. *Terry*, 494 U.S. at 570–71; *see also Great-W. Life Annuity*, 534 U.S. at 213–14. That rule applies here, as DOL is not seeking to recover particular funds in Triple R's possession, but rather, to impose liability in the nature of a damages award. Back wages may be considered equitable when they are incidental to injunctive relief—for instance, if they are incidental to an order to reinstate

[6] The DOL ALJ found it significant that some DOL penalty factors turn (in its view) on other considerations, but the same could have been said in *Jarkesy*, where relevant factors included "harm" and "unjust enrichment." 603 U.S. at 123. It was enough that "several" factors were clearly punitive in nature and intent.

an employee. *See, e.g.*, *Golden v. Kelsey-Hayes Co.*, 73 F.3d 648, 661 (6th Cir. 1996); *see also NLRB v. Starbucks Corp.*, 159 F.4th 455, 470 (6th Cir. 2025). But DOL here does not seek any form of injunctive relief. *See* Ex. A. This case therefore falls squarely within the "general rule that back wages are legal relief in the nature of compensatory damages." *Waldrop v. S. Co. Servs., Inc.*, 24 F.3d 152, 158–59 (11th Cir. 1994); *see also Millsap v. McDonnell Douglas Corp.*, 368 F.3d 1246, 1253 (10th Cir. 2004) ("An award of backpay, without more, is therefore in the nature of compensatory damages.").[7]

Given the above, DOL's claims for both penalties and back pay trigger the Seventh Amendment jury right. Moreover, so long as even one of those remedies triggers the Seventh Amendment, a jury is required, as the "Seventh Amendment applies to proceedings that involve a mix of legal and equitable claims." *Jarkesy*, 34 F.4th at 454.[8] And, in any event, irrespective of the right to a jury, both claims must proceed in an Article III court, as both claims involve Triple R's private rights.

II. TRIPLE R FARMS WILL SUFFER IRREPARABLE HARM ABSENT A PRELIMINARY INJUNCTION.

Given the impending September hearing date—and other approaching pre-hearing deadlines—Triple R Farms will suffer irreparable harm absent preliminary injunctive relief. Triple

[7] As *Sun Valley* held, this conclusion is also confirmed by the punitive nature of back wages in the H-2A context. *See* 148 F.4th at 129 & n.5. Awards of back wages by DOL often result in a windfall because DOL orders payment without considering whether technical violations of the terms of the job order actually caused harm. In addition, while DOL technically is supposed to pass on back wages to the workers, a report by DOL's inspector general found that DOL often fails to ensure that occurs. *See* U.S. Dep't of Labor, Office of Inspector General, *Wage and Hour Division Needs to Strengthen Management Controls for Back Wage Distributions* (Mar. 2015), *available at* https://perma.cc/M3JR-NEQU.

[8] The relevant question is whether the facts relevant to the claims overlap, as "facts relevant to the legal claims should be adjudicated by a jury, even if those facts relate to equitable claims too." 34 F.4th at 454 (citing *Ross v. Bernhard*, 396 U.S. 531, 537–38 (1970)). Here, DOL seeks both penalties and back wages for a number of violations, including the alleged violation of the three-fourths guarantee that makes up over half the assessed liability. *See* Ex. A.

R must begin to file motions, prepare witness lists, and take other steps to prepare for a fundamentally unconstitutional trial, and, when the trial date arrives, Triple R will be forced either to risk default or to appear to defend itself in that unconstitutional forum. Forced participation in an unlawful agency adjudication is irreparable harm.

This conclusion should be straightforward, as constitutional violations are necessarily irreparable harm. *See Bonnell v. Lorenzo*, 241 F.3d 800, 809 (6th Cir. 2001) ("[W]hen reviewing a motion for a preliminary injunction, if it is found that a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated."). For that reason, "[w]hen a party seeks a preliminary injunction on the basis of a potential constitutional violation, 'the likelihood of success on the merits often will be the determinative factor,'" *City of Pontiac Retired Emps. Ass'n v. Schimmel*, 751 F.3d 427, 430 (6th Cir. 2014) (quoting *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012)), as a showing of a likely constitutional violation "mandates a successful showing on the second factor—whether the plaintiff will suffer irreparable harm." *ACLU of Ky. v. McCreary County*, 354 F.3d 438, 445 (6th Cir. 2003), *aff'd*, 545 U.S. 844 (2005). Indeed, just last week the Supreme Court reaffirmed that "denial of plaintiffs' constitutional rights during [a] potentially protracted appellate process constitutes irreparable harm." *Mirabelli v. Bonta*, 607 U.S. ----, 2026 WL 575049, at *3 (Mar. 2, 2026) (per curiam).

On top of the intangible harm of a constitutional violation, the pending adjudication here is also imposing tangible harms, and those harms will only become more acute as the September hearing approaches. Adjudication is expensive, time-consuming, and stressful. *See* Ross Decl. ¶¶ 36–48. Triple R does not have unlimited resources to defend itself against DOL's allegations, and every day that it spends defending itself in DOL's unconstitutional agency courts dissipates

its resources. *See id.* ¶¶ 44, 46.[9] If the agency adjudication goes forward but is later vacated as unconstitutional, the government may still attempt to bring a second proceeding in a real federal court—at which point Triple R will have already expended the resources necessary for its defense in the earlier unconstitutional proceeding. *See id.* ¶ 45, 48. "The expense of compulsory participation" in such an unlawful proceeding, "is unnecessary and irremediable." *In re NLO, Inc.*, 5 F.3d 154, 159 (6th Cir. 1993). Triple R will also suffer reputational harm if it is held liable in an unlawful proceeding, even if the result of that proceeding is later vacated. *See* Ross Decl. ¶ 48; *see also ACT, Inc. v. Worldwide Interactive Network, Inc.*, 46 F.4th 489, 503-04 (6th Cir. 2022). And none of those harms can be remedied through damages, given the government's sovereign immunity. *See Commonwealth v. Biden*, 57 F.4th 545, 556 (6th Cir. 2023).[10]

Unsurprisingly, given the above, the Supreme Court has already held that courts can intervene to stop an unconstitutional agency proceeding before it occurs. In *Axon*, the Supreme Court held that "subjection to an illegitimate proceeding, led by an illegitimate decisionmaker" is "a here-and-now injury" that is "impossible to remedy once the proceeding is over." 598 U.S. at 191. The plaintiff in that case, a party in an agency adjudication, sought to enjoin the proceeding on the ground that the ALJ was not constitutionally appointed; as the case came to the Supreme Court, the question presented was whether statutes providing for after-the-fact review of SEC and FTC adjudications deprived the district court of jurisdiction to preemptively enjoin the proceeding.

[9] While Triple R Farms has the assistance of pro bono counsel at the Institute for Justice to litigate these constitutional claims, Triple R Farms is represented by paid counsel in the underlying agency enforcement action. *See id.* ¶ 43.

[10] Courts sometimes say that litigation costs expended in a legitimate forum are not cognizable as irreparable harm. *See, e.g.*, *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 746–47 (2023). But the same cannot be said for litigation costs expended in a fundamentally unconstitutional proceeding. *See Career Colls. & Schs. of Tex. v. DOE*, 98 F.4th 220, 238 (5th Cir. 2024) ("costly and dubiously authorized administrative adjudications amount[] to irreparable harm," as do the "financial costs associated with unlawful adjudication procedures").

See id. at 185. In deciding that question, a relevant factor under *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200 (1994), was whether after-the-fact litigation would allow for "meaningful judicial review." *Axon*, 598 U.S. at 191. And the Court held that even if an order entered at the end of an unconstitutional agency proceeding might later be vacated, that would not afford "meaningful" relief because a "proceeding that has already happened cannot be undone." *Id.* The same reasoning applies here: Once an unconstitutional proceeding has occurred, the injury of having gone through that proceeding cannot be remedied.[11]

Other district courts have applied *Axon* to hold that Seventh Amendment violations establish irreparable harm. *See Wulferic, LLC v. FDA*, 793 F. Supp. 3d 830, 851 (N.D. Tex. 2025), *appeal filed*, No. 25-11112; *Vaping Dragon LLC v. FDA*, No. 25-cv-81-H, 2026 WL 266277, at *18 (N.D. Tex. Feb. 2, 2026). In *Wulferic*, the targets of an agency penalty adjudication sued to enjoin the adjudication as a violation of the Seventh Amendment; the court consolidated the plaintiffs' motion for a preliminary injunction with the ultimate merits and entered an order enjoining the adjudication. 793 F. Supp. 3d at 835. In doing so, the court concluded that "there is no adequate remedy at law for the plaintiff's otherwise irreparable injury," as the plaintiff could "claim a 'here-and-now injury' like that in *Axon*." *Id.* at 851. Similarly, in *Vaping Dragon*, the

[11] *See Space Expl. Techs. Corp. v. NLRB*, 151 F.4th 761, 780 (5th Cir. 2025) (concluding that *Axon*'s "reasoning fits irreparable harm hand-in-glove: once an unconstitutional proceeding begins, the damage is done. That is the essence of irreparability."); *Alpine Sec. Corp. v. FINRA*, 121 F.4th 1314, 1348–49 (D.C. Cir. 2024) (Walker., J., concurring in part and dissenting in part) ("Nothing about *Axon*'s reasoning limits that fundamental legal principle to a defendant's motion to dismiss for lack of jurisdiction or excludes it from applying to a plaintiff's motion for a preliminary injunction."); *H&R Block Inc. v. Himes*, No. 24-cv-198-BP, 2024 WL 3742310, at *2 n.2 (W.D. Mo. Aug. 1, 2024) (finding irreparable harm under *Axon*, but concluding that constitutional challenge to FTC proceeding failed on merits). Indeed, courts acknowledged this point even before *Axon*. *See, e.g.*, *Air Evac EMS, Inc. v. McVey*, 37 F.4th 89, 103 (4th Cir. 2022) (concluding that "the prospect of an unconstitutional enforcement 'supplies the necessary irreparable injury'" (citation omitted)).

court found that agency proceedings violated the Seventh Amendment, consolidated the preliminary injunction with the ultimate merits, and entered injunctive relief because "the 'here-and-now injury' of subjection to an unconstitutional proceeding cannot be undone after the fact." 2026 WL 266277, at *18. This Court should do the same.[12]

In the related context of mandamus, a long line of cases already holds that courts should grant relief to stop a violation of the jury right before the violation occurs. *See In re Simons*, 247 U.S. 231, 239 (1918) (Holmes, J.) (granting mandamus and explaining that the deprivation of the jury right "is an order that should be dealt with *now*, before the plaintiff is put to the difficulties" of being forced to defend against a proceeding "that ultimately must be held to have been required under a mistake" (emphasis added)); *In re Peterson*, 253 U.S. 300, 305–06 (1920) (Brandeis, J.) (citing this same rule but denying relief on the merits). The availability of mandamus to prevent a violation of the jury right is "settled," *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 511 (1959), and courts in fact have a "responsibility" to grant "mandamus where necessary to protect the constitutional right to trial by jury." *Dairy Queen, Inc. v. Wood*, 369 U.S. 469, 472 (1962). If the extraordinary remedy of mandamus is available to vindicate the Seventh Amendment jury right, there is no reason a preliminary injunction should not be available too.[13]

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[12] While this reasoning applies equally to violations of the Seventh Amendment, Article III, and the Appointments Clause, some cases hold that it does not apply to challenges to restrictions on the President's removal powers. *See YAPP USA Auto. Sys., Inc. v. NLRB*, No. 24-1754, 2024 WL 4489598, at *3 (6th Cir. Oct. 13, 2024) (concluding, in removal context, that a plaintiff seeking to enjoin an agency adjudication must "explain[ ] how the removal protections … would '*specifically* impact[ ]' the upcoming proceeding" (quoting *Calcutt v. FDIC*, 37 F.4th 293, 316 (6th Cir. 2022)). Courts treat removal restrictions as different because "unconstitutional removal provisions do not render the offices to which they attach invalid and so do not allow courts to vacate the actions of officers as void." *Calcutt*, 37 F.4th at 347 (Murphy, J., dissenting). By contrast, if "Congress vested 'sovereign functions' in an invalid office that cannot possess them," then "courts should treat the officer's actions as void wherever they arise." *Id.* at 345.

[13] The "mandamus analysis" is "similar to an irreparable-injury analysis" because to issue the writ "there must be no other adequate means to obtain the relief desired." *In re Jefferson Parish*,

III. THE REMAINING FACTORS FAVOR A PRELIMINARY INJUNCTION.

The two remaining factors—the balance of equities and the public interest—likewise favor the grant of a preliminary injunction. As here, where "the Government is the opposing party," these factors "merge," *Nken v. Holder*, 556 U.S. 418, 435 (2009); *see also Biden*, 57 F.4th at 556.

Courts hold that it is "always in the public interest to prevent violation of a party's constitutional rights." *ACLU Fund of Mich. v. Livingston County*, 796 F.3d 636, 649 (6th Cir. 2015) (marks and citation omitted); *see also Deja Vu of Nashville, Inc. v. Metro. Gov't*, 274 F.3d 377, 400 (6th Cir. 2001). Plus, on the flip side of that same coin, the government has no interest in "the perpetuation of unlawful agency action." *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). To the contrary, there is substantial public interest "in having governmental agencies abide by the federal laws that govern their existence and operations." *Washington v. Reno*, 35 F.3d 1093, 1103 (6th Cir. 1994); *see also Kentucky v. Biden*, 23 F.4th 585, 612 (6th Cir. 2022) ("[T]he public's true interest lies in the correct application of the law."). As a result, given that Triple R is likely to prevail on the merits, the government "faces a high hurdle" to show that relief should nonetheless be denied. *Biden*, 57 F.4th at 556.

The government cannot overcome that "high hurdle." To the contrary, DOL would face no cognizable harm whatsoever from having to wait to press forward with its unconstitutional adjudication. DOL has delayed the proceeding—including waiting over a year to assign the case to an ALJ after Triple R requested a hearing. *See* Ex. A, Ex. C. Even ALJ Fort recognized—when Triple R moved to dismiss the agency proceeding on grounds of undue delay—that "there was delay." Ex. F at 4. However, ALJ Fort also concluded that the agency's years-long delay caused

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81 F.4th 403, 416 (5th Cir. 2023); *see also In re Syncora Guarantee Inc.*, 757 F.3d 511, 515 (6th Cir. 2014) (one factor that is considered when granting mandamus relief is "whether the petitioner will be irreparably damaged or prejudiced if the writ is not granted").

"little if no harm." *Id.* Having already excused its own delay as harmless, it is hard to see how DOL can possibly argue that it would be prejudiced by any further delay in the adjudication while the courts decide if the adjudication is consistent with the Constitution. Rather, a preliminary injunction would spare both parties the expense of litigating an unconstitutional proceeding that will ultimately be vacated as unconstitutional.

The importance of the constitutional rights at issue confirms the point. "The Framers of the Federal Constitution … viewed the principle of separation of powers as the absolutely central guarantee of a just Government," *Morrison v. Olson*, 487 U.S. 654, 697 (1988) (Scalia, J., dissenting), and, ultimately, "[t]he structural principles secured by the separation of powers" are designed to "secure[] the freedom of the individual," *Bond v. United States*, 564 U.S. 211, 221–22 (2011). The "important functions of Article III are too central to our constitutional scheme to risk their incremental erosion." *CFTC v. Schor*, 478 U.S. 833, 861 (1986) (Brennan, J., dissenting). Likewise, the Supreme Court in *Jarkesy* emphasized that "the right to trial by jury is 'of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right' has always been and 'should be scrutinized with the utmost care.'" *Jarkesy*, 603 U.S. at 121 (quoting *Dimick v. Schiedt*, 293 U.S. 474, 486 (1935)). There can be no public interest in allowing those rights to be ignored.[14]

CONCLUSION

For the foregoing reasons, Triple R Farms respectfully requests that the Court enter a preliminary injunction against the ongoing DOL proceeding, including enjoining all operative prehearing deadlines as well as the September 2026 hearing itself.

[14] No bond is necessary to issue a preliminary injunction, as DOL will not incur "any monetary costs or damages because of the preliminary injunction." *Monticello Banking Co. v. CFPB*, No. 23-cv-148-KKC, 2023 WL 5983829, at *3 (E.D. Ky. Sept. 14, 2023).

DATED this 12th day of March 2026.

Respectfully submitted,

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