

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

NATIONAL FEDERATION OF	)	
INDEPENDENT BUSINESS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THOMAS E. PEREZ, in his official	)	
capacity as Secretary, United States	)	
Department of Labor, et al.,	)	
	)	
Defendants.	)	Civil Action No. 5:16-CV-066-C

**ORDER**

On this day the Court considered:

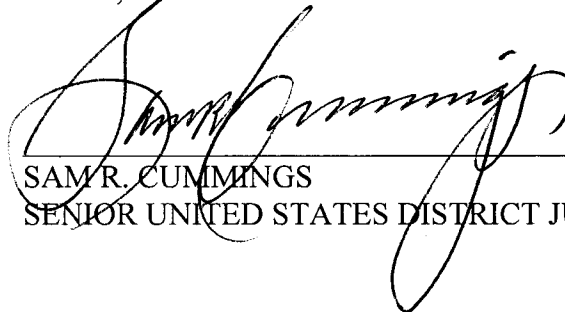
- (1) Plaintiffs' Motion for Summary Judgment, filed August 22, 2016;
- (2) Intervenor-Plaintiffs' Motion for Summary Judgment, filed September 28, 2016;
- (3) Defendants' Combined Cross-Motion for Summary Judgment and Brief in Opposition [Response] to Plaintiffs' Motion for Summary Judgment, filed September 30, 2016;
- (4) Plaintiffs' Combined Brief Replying to Defendants' Response to Plaintiffs' Motion for Summary Judgment and Responding in Opposition to Defendants' Cross-Motion for Summary Judgment, filed October 14, 2016;
- (5) Intervenor-Plaintiffs' Response to Defendants' Cross-Motion for Summary Judgment, filed October 21, 2016;
- (6) Defendants' Response to Intervenor-Plaintiffs' Motion for Summary Judgment, filed October 21, 2016;
- (7) Intervenor-Plaintiffs' Reply Brief in Support of their Motion for Summary Judgment, filed November 4, 2016; and

(8) Defendants' Reply Brief in Support of their Cross-Motion for Summary Judgment, filed November 4, 2016.

Having carefully considered each of the foregoing, together with the evidence adduced at the evidentiary hearing conducted on June 20, 2016, the Court is of the opinion that Plaintiffs' Motion for Summary Judgment and Intervenor-Plaintiffs' Motion for Summary Judgment should both be **GRANTED** and Defendants' Cross-Motion for Summary Judgment should be **DENIED**.

For the reasons thoroughly set forth in the Plaintiffs' and Intervenor-Plaintiffs' briefing,<sup>1</sup> and those stated in the Court's Preliminary Injunction Order entered June 27, 2016,<sup>2</sup> the Court is of the opinion that the Department of Labor's Persuader Advice Exemption Rule ("Advice Exemption Interpretation"), as published in 81 Fed. Reg. 15,924, *et seq.*, should be held unlawful and set aside pursuant to 5 U.S.C. § 706(2), and the Court's preliminary injunction preventing the implementation of that Rule should be converted into a permanent injunction with nationwide effect.<sup>3</sup>

SO ORDERED this 16<sup>th</sup> day of November, 2016.

  
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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup>ECF Nos. 94, 110, 121, 130.

<sup>2</sup>ECF No. 85.

<sup>3</sup>The Court's Preliminary Injunction Order is currently on interlocutory appeal before the United States Court of Appeals for the Fifth Circuit. *Nat'l Fed'n of Indep. Bus., et al. v. Perez, et al.*, No. 16-11315 (5th Cir. Aug. 29, 2016).