

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LORI CHAVEZ-DEREMER,
SECRETARY OF LABOR,
U.S. DEPARTMENT OF LABOR,

Plaintiff-Counterclaim Defendant,

v.

SUFFOLK ADMINISTRATIVE SERVICES,
LLC; PROVIDENCE INSURANCE CO., I.I.;
ALEXANDER RENFRO; WILLIAM
BRYAN; ARJAN ZIEGER,

Defendants-Counterclaim Plaintiffs.

Civil Action No. 3:24-CV-01512 (CVR)

**MOTION TO DISMISS DEFENDANTS' FIRST AMENDED COUNTERCLAIM FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff-Counterclaim Defendant Lori Chavez-DeRemer, Secretary of the U.S. Department of Labor (“Secretary”), hereby moves to dismiss Defendants-Counterclaim Plaintiffs’ First Amended Counterclaim for Declaratory and Injunctive Relief, ECF No. 52, pursuant to Federal Rule of Civil Procedure 12(b)(6).

As explained more fully in the accompanying memorandum of law, Defendants’ Amended Counterclaim, which asserts claims under the First Amendment and the Administrative Procedure Act, should be dismissed in its entirety. Defendants’ First Amendment claims (Counts I and II) fail to identify (i) any First Amendment protected activity; (ii) any adverse action by the Department of Labor sufficient to chill Defendants’ exercise of their constitutional rights; and (iii) any causal link between an alleged protected activity and alleged adverse action.

With respect to Defendants' claim under the Administrative Procedure Act, none of the challenged actions (the investigation, settlement negotiations, or enforcement action) are final actions subject to judicial review.

For these reasons, the Secretary respectfully requests that the First Amended Counterclaim for Declaratory and Injunctive Relief be dismissed in its entirety.

CERTIFICATE OF SERVICE

I hereby certify that I filed the Secretary's Motion to Dismiss Defendants' First Amended Counterclaim for Declaratory and Injunctive Relief on the docket via CM/ECF. Notice of this filing will be sent to all counsel of record through the Court's Electronic Case Filing System.

/s/ Jamie L. Troutman
Jamie L. Troutman