

**UNITED STATES COURT OF APPEALS
For the First Circuit**

No. 25-1886

LORI CHAVEZ-DEREME, Secretary of Labor, US Department of Labor,
Plaintiff-Appellee,

v.

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

Defendants,

DATA MARKETING PARTNERSHIP, LP; LP MANAGEMENT SERVICES,
LLC,

Interested Parties – Appellants

**INTERESTED PARTIES-APPELLANTS’ MOTION TO ABATE BRIEFING
SCHEDULE PENDING MEDIATION**

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*Counsel for Interested Parties –
Appellants, Data Marketing
Partnership LP and LP Management
Services LLC*

Interested Parties–Appellants, Data Marketing Partnership LP and LP Management Servies LLC (“Movants”), respectfully request that this Court hold the briefing schedule for the instant appeal in abeyance while the parties pursue mediation through the First Circuit’s Civil Appeals Management Plan (CAMP) governed by Rule 33 of the Federal Rules of Appellate Procedure and First Circuit Local Rule 33. Holding briefing in abeyance is warranted in light of the intention that Movants have in pursuing mediation regarding this appeal and the ongoing federal government shutdown, which is delaying the ability to schedule mediation with Plaintiff’s counsel at the Department of Labor (“DOL”) and may delay the DOL’s ability to participate in briefing this appeal.

This appeal is of a denial of a motion to intervene in the District Court and the brief of Movants is currently due on November 17, 2025, with the DOL’s brief due 30 days after filing of that brief. *See* Fed. R. App. P. 31; 1ST Cir. R. 31.0; Doc. 00118348967. It is in the interest of judicial efficiency not to proceed with briefing so that the parties can mediate this dispute, which has been impossible to schedule due to the ongoing federal government shutdown. Movants have reached out to counsel for the DOL to discuss both mediation and consent to an extension of the briefing schedule but, to date, there has been no response.

In the underlying District Court Action, the DOL recently requested, and was granted, consent to extend DOL’s time to file a reply brief “until 30 days after

Congress has restored appropriations to the Department of Labor.” (See Consent Motion in 3:24-cv-01512-CVR, *Lori Chavez-Deremer, Secretary of Labor v. Suffolk Admin. Svcs, LLC*, Docket No. 76, 10/21/25, attached as Ex. A hereto). In that Consent Order, the Secretary of the DOL states that “[a]s a result of the lapse in appropriations, DOL attorneys are prohibited from working, even on a voluntary basis, ‘except for emergencies involving the safety of human life or the protection of property.’ 321 U.S.C. § 1342. This exception ‘does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property. *Id.*’”

Pursuant to Federal Rule of Appellate Procedure 26(b), a party may obtain an extension of their deadline to file a brief by demonstrating good cause for the extension. There is good cause to grant this motion. This appeal of a denied motion to intervene in the District Court action is just one part of a complicated and inter-related set of ERISA cases involving the parties in this action and the Movants who have been litigating with the DOL in Texas regarding related issues and seek intervention in the underlying District Court case here. The Movants are committed to mediating this dispute in the First Circuit CAMP program before continuing to pursue the appeal. Due to the government shutdown, however, DOL attorneys have not been available to consult with regard to mediation and/or an extension of the briefing schedule here.

Per the First Circuit Court of Appeal’s website, federal government attorneys are expected to appear for oral argument despite the shutdown. However, it is unclear whether federal government attorneys are required to participate in briefing and the CAMP program during the government shutdown particularly in light of the prohibition against DOL attorneys as set forth by the Secretary in the attached Consent Order in the underlying District Court Action. *See* Ex. A hereto.

Accordingly, Movants respectfully request that this Court hold the briefing schedule in abeyance or, in the alternative, extend the briefing schedule for sixty (60) days – until January 16, 2026 - so that the parties may have time to pursue mediation before moving forward with briefing on the district court’s denial of Interested Parties-Appellants’ motion to intervene in the District Court action.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 639 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and (6) because it has been prepared using Microsoft Word for Office 365 in proportionally spaced 14-point Times New Roman typeface.

/s/ Lisa Carney Eldridge
Lisa Carney Eldridge

CERTIFICATE OF SERVICE

I, Lisa Carney Eldridge, hereby certify that on October 27, 2025, I caused this document to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the First Circuit using the Court's appellate CM/ECF system. Plaintiff/Appellee's counsel is a registered CM/ECF user and will be served via the Notice of Docket Activity through the Court's CM/ECF system.

/s/ Lisa Carney Eldridge
Lisa Carney Eldridge

EXHIBIT A

**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)

**CONSENT MOTION REQUESTING EXTENSION OF TIME TO FILE A REPLY IN
SUPPORT OF THE SECRETARY'S MOTION TO DISMISS DEFENDANTS' AMENDED
COUNTERCLAIM**

Plaintiff and Counterclaim-Defendant Lori Chavez-DeRemer, through undersigned counsel, respectfully states as follows:

1. On June 9, 2025, Defendants-Counterclaim Plaintiffs filed their First Amended Counterclaim for Declaratory and Injunctive Relief (ECF No. 52). Plaintiff responded with a Motion to Dismiss the First Amended Counterclaim for Declaratory and Injunctive Relief (ECF No. 60), filed on August 8, 2025. Defendants filed their response in opposition on September 22, 2025 (ECF No. 69).
2. On September 23, 2025, the Secretary filed a consent motion requesting leave to file a reply on or before October 29, 2025 (ECF No. 72). The Court granted this request the same day (ECF No. 73).

3. At the end of the day on September 30, 2025, appropriated funding for the Department of Labor and its subagencies lapsed. At this time, the Secretary does not know when Congress will restore funding.

4. As a result of the lapse in appropriations, Department of Labor attorneys are prohibited from working, even on a voluntary basis, “except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. This exception “does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.” *Id.*

5. At the time the lapse in appropriations occurred, the Secretary had 29 days remaining to file her reply.

6. In light of the foregoing, the Secretary requests an extension of the deadline for her to file a reply in support of her motion to dismiss until 30 days after Congress has restored appropriations to the Department of Labor.

7. If this motion for an extension is granted, undersigned counsel will notify the Court as soon as possible after Congress has restored appropriations to the Department of Labor.

8. The Secretary has communicated with counsel for Defendants, who consent to this request.

WHEREFORE, the Secretary respectfully requests that the Court extend the deadline to file a reply in support of her motion to dismiss until 30 days after Congress has restored appropriations to the Department of Labor.

Dated: October 21, 2025

Respectfully Submitted:

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Acting Solicitor of Labor

WAYNE R. BERRY
Associate Solicitor
Plan Benefits Security

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/s/ Sarah D. Holz

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Attorneys for Plaintiff Lori Chavez De-Remer,
Secretary of Labor

CERTIFICATE OF SERVICE

I hereby certify that I filed the Secretary’s Consent Motion Requesting Extension of Time to File a Reply in Support of the Secretary’s Motion to Dismiss Defendants’ Amended Counterclaim 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/ Sarah D. Holz _____
Sarah D. Holz

10/21/2025	77	ORDER granting 76 Motion for Extension of Time to File Response/Reply. The deadline to file a reply in support of the Secretary's motion to dismiss is extended until 30 days after Congress has restored appropriations to the Department of Labor. The Secretary shall notify the Court as soon as Congress has restored appropriations to the Department of Labor. Signed by Judge Camille L. Velez-Rive on 10/21/2025. (CVR) (Entered: 10/21/2025)
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