



GEORGETOWN LAW

INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION

Mr. Scott Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

June 14, 2023

Re: *Signet Builders, Inc. v. Luna Vanegas*, No. 22-869

Dear Mr. Harris:

I represent respondent Jose Ageo Luna Vanegas in the above-referenced matter. On page 31 and footnote 7 of our brief in opposition filed today with the Court, we refer to an exchange of letters between one of petitioner's amici curiae, Alewelt, Inc., and the U.S. Department of Labor, in which Alewelt emphasized the definition of agricultural labor set forth in 26 U.S.C. § 3121(g) ("the IRS definition") when it sought H-2A visa approval for its migrant workers. As explained in our brief, these documents rebut petitioner's argument that the Department's approval of petitioner's H-2A visa application necessarily means that the Department agrees that respondent falls within the definition of agricultural labor in 29 U.S.C. § 206(f) ("the FLSA definition"), thereby undercutting respondent's FLSA claim. *See* Pet. 27-30.

Because petitioner seeks this Court's review at the pleading stage, these documents have not yet been entered into the record in this case. The Court may properly consider them as support for respondent's argument that review of the petition would be premature before the parties have had an opportunity to develop an evidentiary record.

If the Court would like to review the documents, respondent respectfully requests permission to lodge them pursuant to Supreme Court Rule 32.3. In the event this request is granted, we point the Court's attention to the following pages:

- pp. 15-17: Alewelt's first letter, relying solely on the IRS definition, which Alewelt argues is satisfied because its work is "on a farm, in the employ of any person, in connection with the management of livestock."
- pp. 8-11: Alewelt's second letter, arguing that it satisfies both the FLSA and IRS definitions, but concluding by emphasizing the language of the IRS definition ("[o]n a farm in the employ of any person").
- pp. 1-3: Alewelt's appeal notice, arguing that it satisfies both the FLSA and IRS definitions, but concluding by quoting the language of the IRS definition.

- p. 18: Alewelt's H-2A application, using the "in connection with" language from the IRS definition.

We have provided petitioner's counsel with a copy of this letter and the documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "KBC", followed by a long horizontal line extending to the right.

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