

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

RYAN, LLC,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Civil Action No. 3:24-cv-986-E

RYAN, LLC’S MOTION FOR SUMMARY JUDGMENT

Plaintiff Ryan, LLC (“Ryan”) files a motion for summary judgment under Federal Rule of Civil Procedure 56 and states the following:

SUMMARY

1. Ryan seeks summary judgment on each of its claims for relief under the Administrative Procedure Act and Declaratory Judgment Act. Specifically, Ryan seeks summary judgment on its claims that the Non-Compete Rule violates the Administrative Procedure Act because Defendant Federal Trade Commission (“the Commission”) lacked statutory authority to promulgate the Non-Compete Rule; that if Congress did grant such authority, it did so in violation of the non-delegation doctrine; that the Rule is unlawfully retroactive; that the Commission’s reasons for adopting the Rule are arbitrary and capricious; and that the Commission is

unconstitutionally insulated from presidential control. Ryan also seeks summary judgment on its identical claims under the Declaratory Judgment Act.

2. The elements of those claims are set forth in Ryan's attached brief in support of this motion. As explained in that brief, Ryan's claims raise purely legal issues for which there are no material disputes of fact; indeed, the parties have agreed to forgo statements of undisputed material facts. Ryan is entitled to judgment on its claims under the Administrative Procedure Act and Declaratory Judgment Act.

Respectfully submitted,

Dated: July 19, 2024

/s/ Allyson N. Ho

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CERTIFICATE OF SERVICE

I hereby certify that, on July 19, 2024, I caused the foregoing motion to be filed with the Clerk for the U.S. District Court for the Northern District of Texas through the ECF system. Participants in the case who are registered ECF users will be served through the ECF system, as identified by the Notice of Electronic Filing.

Dated: July 19, 2024

Respectfully submitted,

/s/ Allyson N. Ho

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