

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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FEDERATION OF AMERICANS FOR  
CONSUMER CHOICE, INC., *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants-Appellants.

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No. 24-40637

AMERICAN COUNCIL OF LIFE INSURERS,  
*et al.*,

Plaintiffs-Appellees,

FINANCIAL SERVICES INSTITUTE, *et al.*,

Intervenor Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants-Appellants.

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No. 24-10890

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS  
CONSOLIDATED APPEALS**

Pursuant to Federal Rule of Appellate Procedure 42(b), the government respectfully moves to dismiss its appeals in Case No. 24-40637 and Case No. 24-10890, with all parties to bear their own costs and court fees. Appellees in Case No. 24-40637 do not oppose this motion. Appellees and intervenors-appellees in Case No. 24-10890 consent to this motion.

Respectfully submitted,

MICHAEL S. RAAB

/s/ Michael Shih

MICHAEL SHIH

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NOVEMBER 2025

### **CERTIFICATE OF COMPLIANCE**

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 56 words.

/s/ Michael Shih  
MICHAEL SHIH

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 24, 2025, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

/s/ Michael Shih  
MICHAEL SHIH