

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

May 22, 2018

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 17-10238 Chamber of Commerce of the USA, et al v. U.S.
Department of Labor, et al
USDC No. 3:16-CV-1476
USDC No. 3:16-CV-1530
USDC No. 3:16-CV-1537

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa V. Mattingly, Deputy Clerk
504-310-7719

Mr. Cory L. Andrews
Mr. Paul Blankenstein
Ms. Jennifer Jo Clark
Mr. Kelly Patrick Dunbar
Mr. Russell Harris Falconer
Mr. Douglas D. Geyser
Mr. Joseph Robert Guerra
Mr. Deepak Gupta
Mr. Andrew B. Kay
Mr. Peter D. Keisler
Mr. Kevin Lamb
Mr. Brendan Stephen Maher
Mr. Jason J. Mendro
Mr. Scott Lawrence Nelson
Mr. David W. Ogden
Mr. Michael S. Raab
Ms. Andrea J. Robinson
Mr. Eugene Scalia
Mr. Michael Shih
Ms. Mary Ellen E. Signorille
Ms. Allison M. Zieve

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-10238

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA;
FINANCIAL SERVICES INSTITUTE, INCORPORATED; FINANCIAL
SERVICES ROUNDTABLE; GREATER IRVING-LAS COLINAS CHAMBER
OF COMMERCE; HUMBLE AREA CHAMBER OF COMMERCE, doing
business as Lake Houston Chamber of Commerce; INSURED RETIREMENT
INSTITUTE; LUBBOCK CHAMBER OF COMMERCE; SECURITIES
INDUSTRY AND FINANCIAL MARKETS ASSOCIATION; TEXAS
ASSOCIATION OF BUSINESS,

Plaintiffs - Appellants

v.

UNITED STATES DEPARTMENT OF LABOR; R. ALEXANDER ACOSTA,
SECRETARY, U.S. DEPARTMENT OF LABOR,

Defendants - Appellees

AMERICAN COUNCIL OF LIFE INSURERS; NATIONAL ASSOCIATION
OF INSURANCE AND FINANCIAL ADVISORS; NATIONAL
ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS - TEXAS;
NATIONAL ASSOCIATION OF INSURANCE AND FINANCIAL
ADVISORS - AMARILLO; NATIONAL ASSOCIATION OF INSURANCE
AND FINANCIAL ADVISORS - DALLAS; NATIONAL ASSOCIATION OF
INSURANCE AND FINANCIAL ADVISORS - FORT WORTH; NATIONAL
ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS - GREAT
SOUTHWEST; NATIONAL ASSOCIATION OF INSURANCE AND
FINANCIAL ADVISORS - WICHITA FALLS;

Plaintiffs - Appellants

v.

UNITED STATES DEPARTMENT OF LABOR; R. ALEXANDER ACOSTA,
SECRETARY, U.S. DEPARTMENT OF LABOR,

Defendants - Appellees

INDEXED ANNUITY LEADERSHIP COUNCIL; LIFE INSURANCE
COMPANY OF THE SOUTHWEST; AMERICAN EQUITY INVESTMENT
LIFE INSURANCE COMPANY; MIDLAND NATIONAL LIFE INSURANCE
COMPANY; NORTH AMERICAN COMPANY FOR LIFE AND HEALTH
INSURANCE,

Plaintiffs - Appellants

v.

R. ALEXANDER ACOSTA, SECRETARY, U.S. DEPARTMENT OF LABOR;
UNITED STATES DEPARTMENT OF LABOR,

Defendants - Appellees

Before STEWART, Chief Judge, JONES, and CLEMENT, Circuit Judges.¹

PER CURIAM:

This panel previously denied the States of California, New York, and Oregon's motion to intervene and file a rehearing en banc. The panel has considered the motion for reconsideration. IT IS ORDERED that the motion is DENIED.

IT IS FURTHER ORDERED that the alternative motion to permit the filing of a petition for rehearing en banc seeking review of the Court's Order denying the motion to intervene by the full En Banc Court is DENIED.

¹ Chief Judge Stewart would grant the motion for reconsideration. Chief Judge Stewart agrees with denying the motion to intervene by the full en banc court.