

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
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. Geysler  
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

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No. 17-10238

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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

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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

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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.<sup>1</sup>

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.

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<sup>1</sup> 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.