

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

- 1. CASE NO. 12-1398
2. DATE DOCKETED: October 10, 2012
3. CASE NAME (lead parties only) American Petroleum Institute et al. v. United States Securities and Exchange Commission
4. TYPE OF CASE: [X] Review [ ] Appeal [ ] Enforcement [ ] Complaint [ ] Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? [ ] Yes [X] No
If YES, cite statute

- 6. CASE INFORMATION:
a. Identify agency whose order is to be reviewed: U.S. Securities and Exchange Commission
b. Give agency docket or order number(s): Release Nos. 34-63549, 34-63795, 34-67717; File No. S7-42-10.
c. Give date(s) of order(s): August 22, 2012
d. Has a request for rehearing or reconsideration been filed at the agency? [ ] Yes [X] No
By whom?
Has the agency acted? [ ] Yes [ ] No If so, when?
e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
At least one of each of Petitioners' members would have standing to sue in its own right because it is subject to and aggrieved by the agency's rule, the interests Petitioners seek to protect are germane to their purpose, and neither the claim asserted nor the relief requested requires an individual member to participate in this suit. See Theodore Roosevelt Conservation P'ship v. Salazar, 616 F.3d 497, 507 (D.C. Cir. 2010)
f. Are any other cases involving the same underlying agency order pending in this Court or any other?
[X] Yes [ ] No If YES, identify case name(s), docket number(s), and court(s)
American Petroleum Institute et al. v. SEC, No. 12-1668 (D.D.C. Oct. 10, 2012). In addition, prior to the issuance of the rule at issue here, suit was filed in the District of Massachusetts to compel issuance of the rule. See Oxfam America, Inc. v. SEC, No. 1:12-cv-10878-DJC (D. Mass. May 16, 2012)
g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents?
[ ] Yes [X] No If YES, give case name(s) and number(s) of these cases and identify court/agency:
h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? [ ] Yes [X] No If YES, provide program name and participation dates.

Signature Eugene Scalia Date 11/13/12
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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of November, 2012, I caused the foregoing Agency Docketing Statement to be filed with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the Court's CM/ECF system. Service was accomplished on the following by the CM/ECF system:

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Dated: November 13, 2012

*/s/ Eugene Scalia*  
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Eugene Scalia