

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHAMBER OF COMMERCE OF THE §
UNITED STATES OF AMERICA, §
FINANCIAL SERVICES §
INSTITUTE, INC., FINANCIAL §
SERVICES ROUNDTABLE, §
GREATER IRVING-LAS COLINAS §
CHAMBER OF COMMERCE, §
HUMBLE AREA CHAMBER OF §
COMMERCE DBA LAKE §
HOUSTON AREA CHAMBER OF §
COMMERCE, INSURED §
RETIREMENT INSTITUTE, §
LUBBOCK CHAMBER OF §
COMMERCE, SECURITIES §
INDUSTRY AND FINANCIAL §
MARKETS ASSOCIATION, and §
TEXAS ASSOCIATION OF BUSINESS, §
§
§
§
Plaintiffs, §
§
v. §
§
U.S. DEPARTMENT OF LABOR and §
THOMAS E. PEREZ, SECRETARY OF §
LABOR, §
§

Defendants.

No. 3:16-cv-01476-M

Civil Action No. 3:16-cv-1476-M
Consolidated with:
3:16-cv-1530-C
3:16-cv-1537-N

ORDER

Before the Court are several Motions For Leave to File *Amicus Curiae* Briefs. [Docket Entries 77, 79, 82, 83, 84, 89, 92, 93]. “The extent, if any, to which an *Amicus Curiae* should be permitted to participate in a pending action is solely within the broad discretion of the district court.” *Sierra Club v. Fed. Emergency Mgmt. Agency*, 2007 WL 3472851, at *1 (S.D. Tex. Nov. 14, 2007 (citing cases)). A district court should be cautious in accepting *amicus* briefing unless

the purported *amicus* has “a special interest that justifies his having a say, or unless the court feels that existing counsel may need supplementing assistance.” *See id.* The Court has discretion to consider *amicus* briefing where the proffered information is timely and useful or otherwise necessary to the administration of justice. *United States ex rel. Long v. GSD & M Idea City LLC*, No. 3:11-CV-1154-O, 2014 WL 11321670, at *4 (N.D. Tex. Aug. 8, 2014). In this case, both sides are represented by sophisticated counsel, and the Court has granted generous page allocations for briefing.

The Court determines that Financial Planning Coalition’s (“Coalition”) Motion should be granted because its proposed brief provides a unique perspective. The Coalition is the lone *amicus* representative of financial professionals in the United States already operating under a fiduciary standard, and is therefore able to provide a practical perspective different from that of the parties. Further, Coalition’s brief does not repeat arguments made by either party.

The Court also determines that American Association for Justice’s (“AAJ”) Motion should be granted, because AAJ’s brief focuses on a narrow legal issue related to the Federal Arbitration Act and does not repeat arguments made by other parties.

The Court therefore **GRANTS** the Coalition’s and AAJ’s Motions For Leave To File *Amicus Curiae* Briefs. [Docket Entries 77 and 92]. Accordingly, the Clerk is directed to file the Coalition’s and AAJ’s *Amicus Curiae* briefs attached to their Motions on the docket in this case. All other Motions for Leave to File *Amicus Curiae* Briefs are **DENIED**. [Docket Entries 79, 82, 83, 84, 89, 93].

No separate written response may be filed in response to any *Amicus Curiae* brief. Further, no *amici* will be able to present oral argument at the hearing set for November 17, 2016.

So ORDERED.

August 31, 2016.


BARBARA M. G. LYNN
CHIEF JUDGE