

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN PETROLEUM INSTITUTE,
CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA, NATIONAL
FOREIGN TRADE COUNCIL,

Plaintiffs,

v.

SECURITIES AND EXCHANGE
COMMISSION,

Defendant.

Civil Action No. 12-cv-1668 (JDB)

JOINT STATUS REPORT

Pursuant to this Court’s December 5, 2012 Minute Order, plaintiffs American Petroleum Institute, Chamber of Commerce of the United States of America, Independent Petroleum Association of America, and National Foreign Trade Council (“plaintiffs”), and defendant Securities and Exchange Commission (“Commission”) respectfully submit this Joint Status Report regarding the identical litigation that plaintiffs brought in the U.S. Court of Appeals for the D.C. Circuit.

Plaintiffs initiated litigation in both this Court and the court of appeals simultaneously because it was unclear where jurisdiction lay. On December 5, 2012, this Court stayed proceedings in this action to permit the D.C. Circuit to determine in the first instance whether it had jurisdiction.

Since that time, the parties have briefed and argued both jurisdiction and the merits in the D.C. Circuit on an expedited schedule. Last Friday, just five weeks after the case was argued, the D.C. Circuit dismissed the case for lack of jurisdiction, thereby establishing that this Court is the proper forum in which to proceed. *See American Petroleum Institute et al. v. Securities and Exchange Commission*, No. 12-1398 (D.C. Cir. Apr. 26, 2013) (Doc. 14327391). For the Court's reference, the parties are attaching hereto a copy of the court of appeals' decision as Exhibit A, and a transcript of the oral argument before the court of appeals as Exhibit B.

The parties are separately filing today an expedited joint motion to lift the Court's December 5th Order staying proceedings, to expedite consideration of plaintiffs' motion for summary judgment, and to decide plaintiffs' motion for summary judgment based on the briefing already presented to the court of appeals.

Dated: May 1, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2013, I caused the foregoing Joint Status Report and accompanying exhibits to be filed with the Clerk of Court for the United States District Court for the District of Columbia using the Court's CM/ECF system. Service was accomplished on all parties via the Court's CM/ECF system.

May 1, 2013

/s/ Eugene Scalia
Eugene Scalia