

**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, and
NATIONAL FOREIGN TRADE COUNCIL,

Plaintiffs,

v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Defendant.

Civil Action No. 12-1668

**NOTICE OF FILING
IN RELATED CASE**

Plaintiffs American Petroleum Institute, Chamber of Commerce of the United States of America, Independent Petroleum Association of America, and National Foreign Trade Council (“Plaintiffs”) file this Notice to advise the Court of a related case, and of a motion that was filed today in the related case that is relevant to proceedings before this Court.

This case concerns a challenge to a regulation recently issued by the U.S. Securities and Exchange Commission. *See* Disclosure of Payments by Resource Extraction Issuers, 77 Fed. Reg. 56,365 (Sept. 12, 2012) (the “Rule”). Plaintiffs believe that jurisdiction over this challenge properly lies in the United States Court of Appeals for the District of Columbia Circuit, but because the matter is not free from doubt, they have filed a petition for review in the Court of Appeals as well as a complaint in this Court. This comports with the procedure suggested by the D.C. Circuit in *Investment Company Institute v. Board of Governors of Federal Reserve System*, 551 F.2d 1270, 1280 (D.C. Cir. 1977) (“If any doubt as to the proper forum exists, careful counsel should file suit in both the court of appeals and the district court or, since there would be

no [pressing] time bar to a proper action in the district court, bring suit only in the court of appeals.”). The Petition for Review and federal court Complaint were both filed last Wednesday, October 10, 2012.

Today, Plaintiffs filed an expedited motion in the Court of Appeals asking that Court to determine, by November 7, 2012, whether it will take jurisdiction of the case. A copy of that Motion is attached hereto. *See Ex. A, Petitioners’ Emergency Motion to Determine Jurisdiction* (Oct. 15, 2012).

Plaintiffs will advise this Court of further proceedings in the D.C. Circuit in connection with their *Emergency Motion to Determine Jurisdiction*.

Dated: October 15, 2012

Respectfully submitted,

/s/ Eugene Scalia
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*Counsel for Plaintiff Chamber of Commerce of
the United States of America*

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2012, I caused the foregoing notice 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 and served the same on the following via overnight commercial carrier:

Ms. Elizabeth M. Murphy, Secretary
Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
(202) 942-8088

October 15, 2012

/s/ Eugene Scalia
Eugene Scalia