

**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)

**NOTICE OF BRIEFING
SCHEDULE 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”) respectfully submit this Notice to advise the Court of further developments in a related case in the United States Court of Appeals for the District of Columbia Circuit.

1. On October 10, 2012, Plaintiffs filed a complaint in this Court challenging Section 13(q) of the Exchange Act and the Securities and Exchange Commission’s rule implementing that statute, which requires public companies to disclose certain payments of more than \$100,000 when made to the U.S. and foreign governments for “projects” relating to the commercial development of oil, natural gas, and minerals. *See Disclosure of Payments by Resource Extraction Issuers*, 77 Fed. Reg. 56,365 (Sept. 12, 2012) (“Rule”). Because there is a question whether jurisdiction properly lies in this Court or in the Court of Appeals, Plaintiffs simultaneously filed a petition for review in the D.C. Circuit. *See American Petroleum Inst. v.*

SEC, No. 12-1398 (D.C. Cir. filed Oct. 10, 2012); *see also Inv. Co. Inst. v. Bd. of Governors of Fed. Reserve*, 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 . . .”).

2. Plaintiffs filed an emergency motion in the D.C. Circuit on October 15, 2012, requesting that the D.C. Circuit expeditiously determine whether it has jurisdiction to hear Plaintiffs’ challenge under the direct review provisions of the Exchange Act, Section 25, 15 U.S.C. § 78y. *See* Emergency Motion to Determine Jurisdiction, No. 12-1398 (Oct. 15, 2012), Doc. 1399710. The Commission filed a response and agreed that jurisdiction lies in the D.C. Circuit. *See* SEC Response in Support, No. 12-1398 (Oct. 23, 2012), Doc. 1401068. On October 25, 2012, Oxfam America filed a motion to intervene and opposed jurisdiction in the D.C. Circuit. *See* Oxfam Response in Opposition, No. 12-1398 (Oct. 25, 2012), Doc. 1401564.

3. On November 1, 2012, the D.C. Circuit ordered the parties to fully brief both jurisdiction and the merits of the case, and imposed a briefing schedule under which Plaintiffs file their opening brief on December 3, 2012; the Commission responds on January 2, 2013; Oxfam America files its brief on January 16th; and Plaintiffs reply on January 28th. *See* Per Curiam Order, No. 12-1398 (Nov. 1, 2012), Doc. 1402612.

Dated: November 13, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2012, I caused the foregoing Notice of Related Case to be filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system.

November 13, 2012

/s/ Eugene Scalia

Eugene Scalia