

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

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.

EDWARD C. HUGLER, SECRETARY OF
LABOR,
and
UNITED STATES
DEPARTMENT OF LABOR,

Defendants.

Civil Action No. 3:16-cv-1476-M
Consolidated with:

3:16-cv-1530-C

3:16-cv-1537-N

CHAMBER OF COMMERCE PLAINTIFFS' MOTION FOR AN INJUNCTION
PENDING APPEAL

Pursuant to Federal Rule of Civil Procedure 62(c), Plaintiffs the Chamber of Commerce of the United States of America; the Financial Services Institute, Inc.; the Financial Services Roundtable; the Greater Irving-Las Colinas Chamber of Commerce; the Humble Area Chamber of Commerce d/b/a the Lake Houston Area Chamber of Commerce; the Insured Retirement Institute; the Lubbock Chamber of Commerce; the Securities Industry and Financial Markets Association; and the Texas Association of Business (collectively, "Plaintiffs") respectfully

request that this Court enter an injunction staying the April 10, 2017 “applicability date” of the Defendant Department of Labor’s “Fiduciary Rule,” *see* AR 1, pending appellate review of this Court’s February 8, 2017 Memorandum and Order, ECF No. 137, and the Court’s February 9, 2017 Judgment, ECF No. 139.

The Court should grant Plaintiffs’ motion for the reasons stated in their accompanying memorandum in support of the motion. Plaintiffs incorporate by reference the arguments made in their memorandum supporting their motion for summary judgment, ECF No. 61, their reply brief, ECF No. 109, and at oral argument.

Because of their urgent need for relief, Plaintiffs respectfully ask the Court to issue a ruling on the motion by March 20, 2017.

A proposed order is attached to this filing, along with Plaintiffs’ memorandum in support of this motion and an appendix thereto.

Respectfully submitted,

Dated: March 10, 2017

s/ Eugene Scalia

James C. Ho, Texas Bar No. 24052766
Russell H. Falconer, Texas Bar No. 24069695
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue
Suite 110
Dallas, TX 75291
Telephone: (214) 698-3264
Facsimile: (214) 571-2917
jho@gibsondunn.com
rfalconer@gibsondunn.com

Eugene Scalia*
Jason J. Mendro*
Paul Blankenstein*
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 955-8500
Facsimile: (202) 467-0539
escalia@gibsondunn.com
jmendro@gibsondunn.com
pblankenstein@gibsondunn.com

*Counsel for Plaintiffs 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*

* Admitted *pro hac vice*

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Steven P. Lehotsky*
U.S. CHAMBER LITIGATION CENTER
1615 H Street, NW
Washington, DC 20062
Telephone: (202) 463-5337
Facsimile: (202) 463-5346
slehotsky@uschamber.com

*Counsel for Plaintiff Chamber of Commerce
of the United States of America*

David T. Bellaire*
Robin Traxler*
FINANCIAL SERVICES INSTITUTE, INC.
607 14th Street, N.W.
Suite 750
Washington, DC 20005
Telephone: (888) 373-1840
Facsimile: (770) 980-8481
david.bellaire@financialservices.org
robin.traxler@financialservices.org

*Counsel for Plaintiff Financial Services
Institute, Inc.*

Kevin Richard Foster*
Felicia Smith*
FINANCIAL SERVICES ROUNDTABLE
600 13th Street, N.W.
Suite 400
Washington, DC 20005
Telephone: (202) 289-4322
Facsimile: (202) 589-2526
richard.foster@FSRoundtable.org
felicia.smith@FSRoundtable.org

Counsel for Plaintiff Financial Services Roundtable

* Admitted *pro hac vice*

J. Lee Covington II*
INSURED RETIREMENT INSTITUTE
1100 Vermont Avenue, N.W.
Washington, DC 20005
Telephone: (202) 469-3000
Facsimile: (202) 469-3030
lcovington@irionline.org

*Counsel for Plaintiff Insured Retirement
Institute*

Kevin Carroll*
Ira D. Hammerman*
SECURITIES INDUSTRY AND
FINANCIAL MARKETS ASSOCIATION
1101 New York Avenue, N.W.
8th Floor
Washington, DC 20005
Telephone: (202) 962-7300
Facsimile: (202) 962-7305
kcarroll@sifma.org
ihammerman@sifma.org

*Counsel for Plaintiff Securities Industry and
Financial Markets Association*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on March 9, 2017, I conferred with counsel for Defendants, Galen N. Thorp. Defendants' counsel communicated that the government intends to oppose, pending review of the motion. The undersigned further certifies that on March 9, 2017, I conferred with counsel for Co-Plaintiffs, Joseph Guerra and Kelly Dunbar. Co-Plaintiffs' counsel communicated that they concur in the relief requested.

s/ Jason J. Mendro _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 10, 2017, the foregoing document was electronically submitted with the clerk of the court for the United States District Court, Northern District of Texas, using the electronic case file system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Eugene Scalia _____