

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FEDERATION OF AMERICANS FOR	§	
CONSUMER CHOICE, INC.; JAMES	§	
HOLLOWAY; JAMES JOHNSON; TX	§	
TITAN GROUP, LLC; PROVISION	§	
BROKERAGE, LLC; and V. ERIC	§	
COUCH,	§	
	§	C.A. No. 6:24-cv-00163
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
UNITED STATES DEPARTMENT	§	
OF LABOR and JULIE SU, in her	§	
official capacity as ACTING	§	
SECRETARY OF LABOR,	§	
	§	
<i>Defendants.</i>	§	

**JOINT STATUS REPORT**

Plaintiffs Federation of Americans for Consumer Choice, Inc., James Holloway, James Johnson, TX Titan Group, LLC, Provision Brokerage, LLC, and V. Eric Couch, and Defendants United States Department of Labor and Julie Su, in her Official Capacity as Acting Secretary of Labor, hereby file this Joint Status Report regarding proposed next steps in this case following the Court’s Memorandum Opinion and Order Granting Plaintiffs’ Motion for a Stay of the Effective Date of the Retirement Security Rule, *see* ECF No. 32 (July 25, 2024).

Specifically, Defendants note that the time to determine whether to seek appeal under 28 U.S.C. § 1292(a) of the Court’s Memorandum Opinion and Order Granting

Plaintiffs' Motion for a Stay of the Effective Date of the Rule, *see* ECF No. 32, has not yet run, *see* Fed. R. App. P. 4(a)(1)(B). The United States may not pursue an appeal without authorization by the Solicitor General, *see* 28 C.F.R. § 0.20(b), who makes such determinations in consultation with all interested components of the Federal Government. Once this decision is made, the parties can more efficiently confer regarding next steps in this case. The parties agree that it would conserve the resources of the parties and the Court to address next steps in this case after Defendants decide whether to take an immediate appeal. Additionally, Plaintiffs agree that that Defendants' time to Answer or otherwise respond to the Complaint should be stayed *nunc pro tunc* pending the Solicitor General's determination on whether to pursue an appeal.

For all these reasons, the parties jointly request that they file a status report on September 27, 2024, regarding proposed next steps in the case, and request that the Court order that Defendants' deadline to Answer or otherwise respond to the Complaint be stayed.

Dated: August 30, 2024

/s/ Don Colleluori (with permission)

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Respectfully Submitted,

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/s/ Galen N. Thorp

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 30, 2024, this document was served by email on all parties and/or attorneys of record in this matter through the Court's CM/ECF filing system and by email.

*/s/ Galen N. Thorp*