

FOR IMMEDIATE RELEASE

Contact: Chip Anderson, Executive Director
Direct 414.332.9306, ext. 1
chip@nafa.com

NAFA Files Emergency Motion for Injunction in Continued Fight to Stay DOL Rule

WASHINGTON (Dec. 1, 2016) — NAFA, the National Association for Fixed Annuities, announced Tuesday that it has filed an emergency motion for an injunction pending appeal with the U.S. Court of Appeals for the District of Columbia Circuit. The appeal is from an order and memorandum opinion of the federal district court issued Nov. 4 denying NAFA's application for a preliminary injunction and motion for summary judgement in NAFA's lawsuit against the Department of Labor's fiduciary rule, and a subsequent district court order issued Nov. 23 denying NAFA's motion for an injunction pending appeal.

"We are aggressively moving forward with our appeal of the lower court's decision, but our immediate concern is to stay the rule's implementation date set for April 10, 2017. With every passing day NAFA members are incurring excessive and unrecoverable expenses as they attempt to navigate the rule's byzantine compliance regime. Moreover, we are extremely concerned about how quickly consumers may face an environment in which they no longer have access to the products and professional advice needed to retire with confidence," said Chip Anderson, NAFA's Executive Director.

NAFA originally filed suit against the DOL's fiduciary rule on June 2, 2016. District of Columbia federal judge Randolph D. Moss then presided over an Aug. 25 hearing before issuing his Nov. 4 ruling. In addition to the NAFA case, there are three additional lawsuits challenging the DOL rule in various federal district courts – Kansas, Minnesota and the Northern District of Texas. NAFA's latest efforts to stay the rule's implementation date were made in order to avoid the "irreversible and irreparable harm" the suit claims its members will incur before the appellate court can hear NAFA's appeal on its merits.

"Without this injunction, even if NAFA ultimately prevails on the merits of the case, a win on appeal will only be a Pyrrhic victory. The DOL's dangerous overreach and creation of such an unworkable regulatory landscape poses a glaring and immediate threat to NAFA membership

and those it serves as they struggle to address a sea of unknowns and the potential for an environment fraught with private action,” stated Anderson.

“Continued record sales of fixed and fixed indexed annuities underscore their ability to protect consumers from outliving their assets, a very real concern for the thousands of baby boomers retiring every day, as well as those in subsequent generations. Despite the staggering demand for the only product on the market that allows individuals to accumulate retirement savings, protect those savings from market losses, and guarantee income for life and those advisors who offer it, implementation of this onerous regulation stands to upend an already well-regulated marketplace and jeopardize the future of American retirement,” Anderson added.

###

About NAFA

NAFA, the National Association for Fixed Annuities, is the premier trade association exclusively dedicated to fixed annuities. Our mission is to promote the awareness and understanding of fixed annuities. We educate annuity salespeople, regulators, legislators, journalists, and industry personnel about the value of fixed annuities and their benefits to consumers. NAFA’s membership represents every aspect of the fixed annuity marketplace covering 85% of fixed annuities sold by independent agents, advisors and brokers. NAFA was founded in 1998. For more information, visit www.nafa.com.