

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

AMERICAN COUNCIL OF LIFE
INSURERS, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, et al.,

Defendants.

Civil Action No. 4:24-cv-00482-O

JOINT MOTION TO STAY PROCEEDINGS

Pursuant to the Court's order of August 22, 2024, ECF No. 64, the parties have conferred on next steps in this case and respectfully submit this Joint Motion to Stay Proceedings pending the outcome of the pending appeal of the Court's July 26, 2024 Memorandum Opinion and Order Granting Plaintiffs' Motion for a Stay of the Effective Date of the Rule, ECF No. 61.

1. On July 26, 2024, this Court issued a Memorandum Opinion and Order Granting Plaintiffs' Motion for a Stay of the Effective Date of the Rule, ECF No. 61, granting in part and denying in part Plaintiffs' motion for preliminary injunction and stay of effective date, ECF No. 11, regarding the Department of Labor's April 25, 2024, Retirement Security Rule; Amendment to Prohibited Transaction Exemption 2020-02; Amendment to Prohibited Transaction Exemption 84-24; and Amendment to Prohibited Transaction Exemptions 75-1, 77-4, 80-83, 83-1, and 86-128 (collectively "the Rule").

2. The Court subsequently ordered the parties to meet and confer on next steps in the case and file a Joint Report, which is currently due September 27, 2024. ECF No. 62, 64.

3. Defendants filed a notice of interlocutory appeal of the Court's July 26, 2024 Order on September 20, 2024. ECF No. 65.

4. The parties have met and conferred regarding the next steps in this case. They jointly request that the Court stay all proceedings in this matter pending the outcome of Defendants' interlocutory appeal.

5. There is good reason to grant the parties' joint motion to stay the proceedings, including the Rule 16 and 26(f) Joint Report currently due on September 27, 2024. Deferring district court proceedings until after the appeal is resolved would conserve judicial resources and be most efficient for the parties. Because Defendants' interlocutory appeal concerns Plaintiffs' likelihood of success on the merits in this action, any decision by the Fifth Circuit will necessarily affect subsequent proceedings in this matter. Moreover, because this case is brought under the Administrative Procedure Act and likely will be resolved on the basis of the administrative record, there will be no need to immediately negotiate regarding matters like discovery, expert witnesses, or trial. Accordingly, it would serve the interests of judicial economy to stay any further proceedings in this matter until the appeal has been resolved.

For these reasons, the parties respectfully request that this Court stay the proceedings in this matter until Defendants' pending appeal is resolved. The parties propose that this Court order the parties to submit a joint status report within 14 days of the Fifth Circuit issuing its mandate. Alternatively, if the Court declines to stay the proceedings, the parties request 14 additional days to submit the Rule 16 and 26(f) Joint Report called for in the Court's prior orders.

Dated: September 26, 2024

/s/ Kelly P. Dunbar (by permission)
David W. Ogden*

Respectfully submitted,

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* Pro hac vice applications granted

CERTIFICATE OF SERVICE

I certify that on September 26, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants.

/s/ Galen N. Thorp
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Counsel for Defendants