

**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.

THOMAS E. PEREZ, SECRETARY OF
LABOR,
and
UNITED STATES
DEPARTMENT OF LABOR,

Defendants.

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

3:16-cv-1530-M

3:16-cv-1537-M

ORDER

The Court, having considered the parties' Joint Motion to Establish a Schedule Regarding Potential *Amicus Curiae* Filings [Docket Entry #58], DENIES, without prejudice, the Joint Motion, as premature.

"The extent, if any, to which an *amicus curiae* should be permitted to participate in a pending action is solely within the broad discretion of the district court." *Sierra Club v. Federal Emergency Management Agency*, 2007 WL 3472851, at *1 (S.D. Tex. Nov. 14, 2007) (citing

cases). A district court should be cautious in accepting, much less inviting, *amicus* briefing unless the purported *amicus* has a special interest that justifies having a say, or unless the court feels that existing counsel may need supplementing assistance. *See id.* In this case, both sides are represented by sophisticated counsel, and the Court has granted generous page allocations for briefing. The Court believes existing counsel is fully capable of briefing the legal issues presented. No person has yet filed a motion for leave to participate as an *amicus*. The Court declines to speculate as to whether any potential third party has a special interest that would justify granting it the right to file an *amicus* brief. The Court declines to offer any advisory opinions on what circumstances, if any, would cause it to grant such a right in this case. *See id.* (“A district court should consider whether the information offered through the *amicus* brief is “timely and useful” or otherwise necessary. A court should also consider whether the individual or organization seeking to file the *amicus* brief is an advocate for one of the parties.”) (citations omitted).

Accordingly, the parties’ Joint Motion to Establish a Schedule Regarding Potential *Amicus Curiae* Filings is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: August 8, 2016


BARBARA M. G. LYNN
CHIEF JUDGE