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April 3, 2017

Hon. Lyle W. Cayce
U.S. Court of Appeals for the Fifth Circuit
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

RE: *Chamber of Commerce, et al. v. U.S. Dep't of Labor, et al.*,
No. 17-10238

Dear Mr. Cayce:

The above-captioned case involves statutory and constitutional challenges to a package of final agency actions issued by the Labor Department known as the “fiduciary rule.” Two groups of plaintiffs filed emergency motions seeking to enjoin the fiduciary rule. Briefing on plaintiffs’ motions concluded on Friday, March 31.

As the government noted in its opposition to plaintiffs’ motions, the Labor Department has initiated notice-and-comment proceedings on a proposal to delay the fiduciary rule’s April 10, 2017, applicability date by 60 days. *See* Gov’t Resp. 1-2. The Department transmitted a draft final rule to the Office of Management and Budget (“OMB”) for review. *Id.* at 2 n.1.

Plaintiffs have requested a decision from this Court by Tuesday, April 4. We write to inform the Court that OMB review of the Labor Department’s draft rule is nearly complete. The Department anticipates that the final rule will be transmitted to the Office of the Federal Register today. The Department has requested that the rule be made publicly available the morning of Wednesday, April 5, and that the rule be published in the Federal Register no later than Friday, April 7.

Counsel for the government will file a copy of the final rule with the Court and the parties at the earliest opportunity.

Sincerely,

/s/ Michael Shih
Michael Shih
Counsel for Appellees

cc: All counsel by ECF