

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL ASSOCIATION OF)
MANUFACTURERS)
733 10th St., NW)
Suite 700)
Washington, DC 20001,)

CHAMBER OF COMMERCE OF THE)
UNITED STATES OF AMERICA)
1615 H St., NW)
Washington, DC 20062,)

BUSINESS ROUNDTABLE)
300 New Jersey Ave., NW)
Suite 800)
Washington, DC 20001,)

Plaintiffs,)

vs.)

UNITED STATES SECURITIES AND)
EXCHANGE COMMISSION)
100 F St., NE)
Washington, DC 20549,)

Defendant,)

AMNESTY INTERNATIONAL OF THE)
USA)
5 Penn Plaza)
16th Floor)
New York, NY 10001,)

AMNESTY INTERNATIONAL LTD.)
1 Easton Street,)
London WC1X 0DW)
United Kingdom,)

Intervenors-Defendants.)

No. 1:13-cv-00635-KBJ

JOINT STATUS REPORT

On August 22, 2012, the Securities and Exchange Commission (“SEC” or “Commission”) adopted Rule 13p-1 and Form SD, *Conflict Minerals*, 77 Fed. Reg. 56,274 (Sept. 12, 2012) (“the Rule”), promulgated pursuant to Section 1502 of the Dodd-Frank Act, 15 U.S.C. § 78m(p). Plaintiffs sought review of the Rule. In April 2014 the United States Court of Appeals for the District of Columbia Circuit held that Section 1502 and the Rule violated the First Amendment “to the extent the statute and the rule require regulated entities to report to the Commission and to state on their website that any of their products ‘have not been found to be “DRC conflict free.’” See *Nat’l Ass’n of Mfrs. v. SEC*, 748 F.3d 359, 373 (D.C. Cir. 2014). It otherwise affirmed this Court’s judgment, which had upheld the rule in full. The Court of Appeals issued a new opinion on panel rehearing in August 2015, see *Nat’l Ass’n of Mfrs. v. SEC*, 800 F.3d 518 (D.C. Cir. 2015), that adhered to its constitutional holding and remanded to this Court for further proceedings consistent with the Court of Appeals’ rulings.

The parties now submit this Joint Status Report as directed by the Court’s Order of February 10, 2017. The parties respectfully represent that no further proceedings are necessary and request that the Court enter a final judgment in accordance with the decisions by the Court of Appeals.

DISCUSSION

The Court of Appeals remanded to this Court for any proceedings necessary to give effect to the Court of Appeals’ decisions. The parties now agree that no such proceedings are necessary. The Court of Appeals’ decisions resolved the plaintiffs’ claim in this case that the relevant portion of the Rule as currently formulated (and the statute to the extent that it compels that portion of the Rule) violates the First Amendment; no additional proceedings

are necessary to assess the validity of the Rule and statute. Accordingly, final judgment in accordance with the Court of Appeals' decisions is appropriate.

CONCLUSION

For the foregoing reasons, the parties respectfully request that this Court enter a final judgment in accordance with the decisions of the Court of Appeals.

Dated: March 10, 2017

Respectfully submitted,

Michael A. Conley, Bar No.
439669
Benjamin L. Schiffrin, NY Bar
No. 4277117
Tracey A. Hardin, GA Bar No.
324996
Securities and Exchange
Commission
100 F Street, NE
Washington, DC 20549
202.551.5048
hardint@sec.gov
*Counsel for Defendant Securities
and Exchange Commission*

Julie A. Murray, Bar No.
1003807
Adina H. Rosenbaum, Bar No.
490928
Scott L. Nelson, Bar No. 413548
Public Citizen Litigation
Group
1600 20th St., NW
Washington, DC 20009
(202) 588-1000
jmurray@citizen.org
*Counsel for Intervenors-Defendants
Amnesty International of the USA
and Amnesty International Limited*

Of Counsel:
Steven P. Lehotsky
U.S. Chamber Litigation Center
1615 H St., NW
Washington, DC 20062
202.463.5337
*Counsel for Plaintiff the Chamber of
Commerce of the United States of
America*

Of Counsel:
Quentin Riegel
National Association
of Manufacturers
733 10th St., NW
Suite 700
Washington, DC
20001
202.637.3000
*Counsel for Plaintiff the
National Association of
Manufacturers*

s/ Peter D. Keisler

Peter D. Keisler, Bar No. 417204
Counsel of Record
Jonathan F. Cohn, Bar No. 476551
Sidley Austin LLP
1501 K St., NW
Washington, DC 20005
202.736.8027
*Counsel for Plaintiffs the National
Association of Manufacturers, the
Chamber of Commerce of the United
States of America, and Business
Roundtable*

Of Counsel:
Maria Ghazal
Business Roundtable
300 New Jersey Ave., NW
Suite 800
Washington, DC 20001
202.496.3268
*Counsel for Plaintiff Business
Roundtable*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2017, I caused the foregoing Joint Status Report to be filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system. Service was accomplished on all parties via the Court's CM/ECF system.

s/ Peter D. Keisler

Peter D. Keisler