

[ORAL ARGUMENT HELD ON NOVEMBER 14, 2019]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEW YORK, *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants-Appellants.

No. 19-5125

**STATUS REPORT**

Appellants respectfully submit this status report pursuant to this Court's order of February 8, 2021. On January 20, 2021, due to the change in administration, there was new leadership at the U.S. Department of Labor. The Department has considered the issues and determined that it wishes to engage in notice-and-comment rulemaking to revisit the rule at issue in this appeal. *See* Office of Information and Regulatory Affairs, Office of Management and Budget, Reginfo.gov, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=1210-AC16>. That process remains ongoing.

Respectfully submitted,

MARK B. STERN  
MICHAEL S. RAAB

/s/ Michael Shih  
MICHAEL SHIH  
JENNIFER L. UTRECHT  
(202) 353-6880  
Attorneys, Appellate Staff  
Civil Division  
U.S. Department of Justice  
950 Pennsylvania Ave. N.W.  
Room 7268  
Washington, D.C. 20530

MARCH 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2023, I electronically filed the foregoing document with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Michael Shih  
MICHAEL SHIH