

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

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

_____)	
STATE OF NEW YORK, et al.)	
)	
Plaintiff – Appellee,)	
)	
v.)	Case No. 19-5125
)	
UNITED STATES DEPARTMENT OF)	
LABOR, et al.)	
)	
Defendant - Appellant.)	
_____)	

**NOTICE OF THE MISSISSIPPI INSURANCE DEPARTMENT INTENT TO
JOIN THE BRIEF AMICUS CURIAE FILED BY THE OKLAHOMA
INSURANCE DEPARTMENT AND THE MONTANA STATE AUDITOR,
COMMISSIONER OF SECURITIES AND INSURANCE, IN SUPPORT OF
APPELLANT UNITED STATES DEPARTMENT OF LABOR**

Pursuant to Fed. R. App. P. 29(a) and D.C. Cir. R. 29(b), the Mississippi Insurance Department (“MID”) hereby notifies this Court of the intent to join as *amicus curiae* in the brief filed by *amici curiae* Oklahoma Insurance Department (“OID”) and the Montana State Auditor, Commissioner of Securities and Insurance (“CSI”) in support of Appellant United States Department of Labor (“DOL”) in the above-captioned matter. The name and Participation of MID will be added to the final brief of the *amici* OID and CSI to be filed on August 8, 2019.

In support of this Notice, MID states as follows:

1. MID is an agency of the State of Mississippi under the Mississippi Insurance Commissioner, a statewide elected official. MID is responsible for supervising and regulating the insurance business in Mississippi.

2. MID has a strong interest in this case.

3. MID intends to participate as *amicus curiae* by joining the brief filed by *amici curiae* OID and CSI to ensure that MID'S particular interests—as regulator of insurance in the State of Mississippi — are heard.

4. The district court's decision directly impacts the insurers and insureds in the State of Mississippi —the entities and people MID is authorized to regulate and protect, respectively.

5. The *amicus curiae* brief of OID and CSI brings relevant matters to this Court's attention, concerning DOL's Final Rule and the impact on the citizens and insurers of Mississippi. The brief brings to the Court's attention matters concerning states where small businesses predominate, and thus are uniquely effected by the district court's decision.

Dated: August 1, 2019

Respectfully submitted,

/s/ Susan Elizabeth Rees

SUSAN ELIZABETH REES

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. Taylor Payne is being served by certified mail with requested returned receipt on August 1, 2019 and Scott J. Kaplan is being served by electronic mail with requested delivery and request read receipts on August 1, 2019.

/s/ Susan Elizabeth Rees



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