[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

CONSENT MOTION TO HOLD APPEAL IN ABEYANCE

This appeal involves a rule issued by the U.S. Department of Labor (DOL) that addresses the manner in which employers may participate in association health plans established pursuant to the Employee Retirement Income Security Act. *See* 83 Fed. Reg. 28,912 (June 21, 2018). The district court vacated the rule's principal provisions. Due to the recent change in administration, there is new DOL leadership. To allow new agency officials sufficient time to become familiar with the issues in this case and determine how they wish to proceed, the government respectfully moves to place this appeal in abeyance, with status reports due at 60-day intervals. Plaintiffs have authorized us to state that they consent to this motion.

Respectfully submitted,

MARK B. STERN
MICHAEL S. RAAB

 /s/ Michael Shih
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JANUARY 2021

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P.

27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App.

P. 32(f), it contains 115 words.

/s/ Michael Shih
MICHAEL SHIH

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2021, I electronically filed the foregoing

motion 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