

No. 24-1223

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Tiara Yachts, Inc.,

Plaintiff-Appellant,

v.

Blue Cross Blue Shield of Michigan,

Defendant-Appellee.

On Appeal from the United States District Court for the
Western District of Michigan
Case No. 1:22-cv-603

**THE ACTING SECRETARY OF LABOR'S NOTIFICATION
REGARDING ORAL ARGUMENT**

EMILY SU
Deputy Solicitor of Labor of National
Operations, Performing the duties
of the Solicitor

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Vincent N. Micone, III, Acting Secretary of the United States Department of Labor (“Secretary”), respectfully notifies this Court that he no longer seeks to participate in oral argument as amicus curiae on five minutes of time ceded by Plaintiff-Appellant. The Secretary states as follows:

1. The Secretary has primary regulatory and enforcement authority for Title I of the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 et seq.
2. On June 12, 2024, the Secretary filed an amicus brief in support of Plaintiff-Appellant addressing whether Plaintiff-Appellant adequately pleads that a third-party administrator that overpaid claims with funds remitted by an ERISA plan is a fiduciary under 29 U.S.C. § 1002(21)(A)(i).
3. On December 20, 2024, the Secretary filed a motion for leave to participate in oral argument as amicus curiae in support of Plaintiff-Appellant on five minutes of time ceded by Plaintiff-Appellant. On January 7, 2025, the Court granted the Secretary’s motion.
4. In light of the change in Administration, the Secretary has

decided not to participate in the oral argument and hereby returns the five minutes of argument time ceded by Plaintiff-Appellant back to Plaintiff-Appellant.

Respectfully submitted,

Dated: January 31, 2025

EMILY SU
Deputy Solicitor of National Operations
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/s/ Sarah Karchunas
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CERTIFICATE OF SERVICE

I hereby certify that on this day, January 31, 2025, I electronically filed the foregoing Secretary of Labor's Notification Regarding Oral Argument with the Clerk of the Court for the U.S. Court of Appeals for the Sixth Circuit by using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: January 31, 2025

/s/ Sarah Karchunas
Sarah Karchunas
Trial Attorney