

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

The National Association for Fixed Annuities,

Plaintiff,

v.

Thomas E. Perez, in his official capacity as  
Secretary of the United States Department of  
Labor

and

United States Department of Labor,

Defendants.

Civil Action No. 1:16-cv-1035  
Hon. Randolph D. Moss

**MOTION OF PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION  
FOR LEAVE TO FILE AMICUS CURIAE  
BRIEF IN SUPPORT OF DEFENDANTS URGING  
DENIAL OF THE MOTION FOR PRELIMINARY INJUNCTION**

The Public Investors Arbitration Bar Association (PIABA) respectfully moves under LCvR 7(o) for leave to file a brief as *amicus curiae* in support of Defendants' opposition to Plaintiffs' application for a preliminary or permanent injunction.

PIABA is an international bar association whose members represent investors in disputes with the securities industry. The mission of PIABA is to promote the interests of the public investor in securities and commodities arbitration by protecting public investors from abuses in the arbitration process; making securities and commodities arbitration as just and fair as systematically possible; and creating a level playing field for the public investor in securities and commodities arbitration. PIABA accomplishes this mission partly through active involvement in the administrative rule-making process. PIABA regularly issues comment letters regarding FINRA rule

changes, provides testimony to government agencies and Congress, and files amicus briefs on a variety of issues pertaining to the protection of the investing public.

PIABA members represent investors who have received conflicted advice from investment advisers, securities brokers, and insurance brokers, oftentimes in connection with their retirement accounts. PIABA members have seen firsthand the harm that has resulted from the current regulatory system. PIABA gives a voice to those investors in the rule-making process and advocates for their protection. In its brief, PIABA is able to speak to the impact on investors of the current system, if the Department's Conflict of Interest Rule is not permitted to be fully enacted and the status quo is maintained. PIABA's brief presents this court with information about the background as to why the Department is best suited to enact this rule, given the differing entities working within the retirement advice space.

PIABA represents it has contacted counsel for both parties pursuant to LCvR 7(o)(2). Plaintiff takes no position on PIABA filing an *amicus* brief. Defendants consent to the filing of this proposed *amicus* brief. The proposed *amicus* brief (including a certificate of corporate disclosure) is attached as an exhibit to this motion. A proposed order is attached as well.

Dated: July 15, 2016

Respectfully submitted,

BY: /s/ Michael L. Murphy  
Michael L. Murphy (DC Bar No. 480163)  
BAILEY GLASSER LLP  
1054 31st Street, NW  
Suite 230  
Washington, DC 20007  
T: 202.463.2101  
F: 202.463.2103  
[mmurphy@baileyglasser.com](mailto:mmurphy@baileyglasser.com)

*Counsel for Amicus Curiae*  
*Public Investors Arbitration Bar Association*