

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL ASSOCIATION OF)
MANUFACTURERS)
733 10th St., NW)
Suite 700)
Washington, DC 20001,)

CHAMBER OF COMMERCE OF THE)
UNITED STATES OF AMERICA)
1615 H St., NW)
Washington, DC 20062,)

BUSINESS ROUNDTABLE)
300 New Jersey Ave., NW)
Suite 800)
Washington, DC 20001,)

Plaintiffs,)

vs.)

UNITED STATES SECURITIES AND)
EXCHANGE COMMISSION)
100 F St., NE)
Washington, DC 20549,)

Defendant,)

AMNESTY INTERNATIONAL OF THE)
USA)
5 Penn Plaza)
16th Floor)
New York, NY 10001,)

AMNESTY INTERNATIONAL LTD.)
1 Easton Street,)
London WC1X 0DW)
United Kingdom,)

Intervenors-Defendants.)

No. 1:13-cv-00635-KBJ

JOINT RESPONSE TO ORDER TO SUBMIT PROPOSED FINAL JUDGMENT

Pursuant to this Court's order dated March 13, 2017, the parties hereby respectfully submit the attached Proposed Final Judgment.

Dated March 20, 2017

Respectfully submitted,

s/ Peter D. Keisler

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March, 2017, I caused the foregoing to be filed with the Clerk of Court for the United States District Court for the District of Columbia using the CM/ECF system. Service was accomplished on all parties via the Court's CM/ECF system.

s/ Peter D. Keisler

Peter D. Keisler

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF)
 MANUFACTURERS, CHAMBER OF)
 COMMERCE OF THE UNITED STATES)
 OF AMERICA, BUSINESS)
 ROUNDTABLE,)
)
 Plaintiffs,)
)
 vs.)
)
 UNITED STATES SECURITIES AND)
 EXCHANGE COMMISSION,)
)
 Defendant,)
)
 AMNESTY INTERNATIONAL OF THE)
 USA, AMNESTY INTERNATIONAL LTD.,)
)
 Intervenors-Defendants.)
)
)

No. 1:13-cv-00635-KBJ

[PROPOSED] FINAL JUDGMENT

The Court enters final judgment in this case as follows:

(1) The Court **DECLARES** pursuant to 28 U.S.C. § 2201 that Section 1502 of the Dodd-Frank Act, 15 U.S.C. § 78m(p)(1)(A)(ii) and (E) (“the Statute”), and Securities and Exchange Commission Rule 13p-1 and Form SD, Conflict Minerals, 77 Fed. Reg. 56,274, 56,362-65 (Sept. 12, 2012) (“the Rule”), violate the First Amendment to the extent that the Statute and the Rule require regulated entities to report to the Commission and to state on their websites that any of their products “have not been found to be ‘DRC conflict free.’”

(2) Pursuant to the Administrative Procedure Act, 5 U.S.C. § 706(2), the Court **HOLDS UNLAWFUL AND SETS ASIDE** the Rule, 77 Fed. Reg. at 56,632-65, only to the extent that it requires regulated entities to report to the Commission and to state on their

websites that any of their products “have not been found to be ‘DRC conflict free.’”

(3) In all other respects, the Court **DENIES** summary judgment to Plaintiffs, **GRANTS** summary judgment to Defendants and Defendant-Intervenors, and **REMANDS** to the Commission.

ENTERED this ____ day of ____, 2017

Honorable Ketanji Brown Jackson
United States District Judge