

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

Date: September 12, 2019

Docket #: 19-2893

Short Title: State of New York v. United States Securities
and

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Agency #: 34-86031

Agency: Securities & Exchange
Commission

DOCKETING NOTICE

A petition for review filed by State of New York et al in the above referenced case was docketed today as 19-2893. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage

My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8505.

Case No. _____

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

STATE OF NEW YORK, STATE OF CALIFORNIA,
STATE OF CONNECTICUT, STATE OF DELAWARE,
DISTRICT OF COLUMBIA, STATE OF MAINE,
STATE OF NEW MEXICO, AND STATE OF OREGON,

Petitioners,

v.

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION; and WALTER “JAY” CLAYTON III, *in*
his official capacity as Chairman of the United States
Securities and Exchange Commission,

Respondents.

**PETITION FOR REVIEW OF A FINAL RULE OF
THE SECURITIES AND EXCHANGE COMMISSION**

Pursuant to 15 U.S.C. § 78y, 5 U.S.C. § 702, and Federal Rule of Appellate Procedure 15, the States of New York, California, Connecticut, Delaware, Maine, New Mexico, and Oregon, and the District of Columbia hereby petition this Court to review and set aside the Securities and Exchange Commission’s final agency action entitled “Regulation Best Interest: The Broker-Dealer Standard of Conduct,” published at 84 Fed. Reg. 33,318 (July 12, 2019). The final action

establishes a standard of conduct for broker-dealers when they make a recommendation to a retail customer of any securities transaction or investment strategy involving securities.

A copy of the challenged final rule is attached to this Petition.

DATED: September 9, 2019

Respectfully submitted,

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