

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

FREDERICK LUEHRS, III,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 2:23-cv-234
	)	
VINCE MICONE, in his official capacity	)	
as Acting Secretary of Labor,	)	
	)	
Defendant.	)	
	)	

**CONSENT MOTION TO STAY**

Defendant hereby respectfully requests that the Court stay this litigation pending the Department’s reconsideration of the challenged rule. Defendant has conferred with Plaintiff, who has consented to the relief requested herein. As good cause for this relief, Defendant represents the following:

1. In this case, Plaintiff brings a challenge under the Administrative Procedure Act (APA) and the Employment Retirement Security Act of 1974 (ERISA) to a final rule promulgated by the Department of Labor, *see* Final Rule, Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights, 87 Fed. Reg. 73822 (Dec. 1, 2022) (“Rule”). *See* ECF No. 1. Plaintiff also filed a motion for a preliminary injunction and temporary restraining order on February 28, 2023, which remains pending. ECF No. 7.

2. The Department has determined that it intends to reconsider the Rule, including by considering whether to rescind the Rule.

3. The Department’s reconsideration or rescission of the Rule could obviate the need for further litigation. Accordingly, to conserve the parties’ and the Court’s resources, Defendant requests

that the Court stay all further litigation pending the Department's reconsideration of the challenged Rule.

Dated: April 26, 2025

Respectfully submitted,

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JACQUELINE COLEMAN SNEAD  
*Assistant Branch Director*

/s/ Cassandra M. Snyder  
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