

ORAL ARGUMENT HELD ON NOVEMBER 4, 2024

No. 21-5166

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LOPER BRIGHT ENTERPRISES, INC., et al.,
Plaintiffs/Appellants,

v.

HOWARD LUTNICK, et al.,
Defendants/Appellees.

Appeal from the United States District Court for the District of Columbia
No. 1:20-cv-466 (Hon. Emmet G. Sullivan)

JOINT STATUS REPORT

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The parties jointly submit this status report in response to the Court's August 13, 2025, order holding this case in abeyance.

1. Plaintiffs challenge a rule adopted by the National Marine Fisheries Service implementing industry-funded monitoring in the Atlantic herring fishery. *See* 85 Fed. Reg. 7414 (Feb. 7, 2020). This Court upheld the rule in August 2022. *Loper Bright Enters. v. Raimondo*, 45 F.4th 359 (D.C. Cir. 2022). The Supreme Court vacated and remanded in June 2024. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024). On remand, this Court ordered supplemental briefing and reargument, which the Court heard on November 4, 2024.

2. On July 15, 2025, the parties jointly moved for an abeyance to enable the parties to discuss settlement. The Court granted the motion on August 13, 2025, and directed the parties to file a status report by November 12, 2025, and at 90-day intervals thereafter. The Court further directed the parties to file motions to govern further proceedings within 30 days of the conclusion of settlement proceedings.

3. The parties filed a joint status report on November 12, 2025, asking to continue the abeyance. The parties continue to engage in good-faith settlement discussions, which have not yet concluded. Accordingly, an abeyance of proceedings in this matter remains necessary. The parties will file another status report within 90 days or file motions to govern further proceedings within 30 days of the conclusion of settlement proceedings.

Respectfully submitted,

/s/ Ryan Mulvey

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February 10, 2026

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. of App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 238 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word Version 2504 in 14-point Times New Roman.

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