

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1021

September Term 2009

SEC-74FR3138

Filed On: November 6, 2009

American Equity Investment Life Insurance
Company, et al.,

Petitioners

v.

Securities and Exchange Commission,

Respondent

Consolidated with 09-1056

BEFORE: Sentelle, Chief Judge, and Ginsburg and Rogers, Circuit Judges

ORDER

Upon consideration of petitioner Old Mutual Financial Life Insurance Company's request for a stay of the effective date of Rule 151A styled as a petition for panel rehearing and the SEC's response thereto, it is

ORDERED that the parties are directed to submit additional briefing addressing the appropriate remedy, including vacatur vel non, for the SEC's failure properly to consider the effect of Rule 151A upon efficiency, competition, and capital formation. Petitioner Old Mutual's brief of no more than 10 pages shall be filed within ten business days. Respondent Securities and Exchange Commission's response of no more than 10 pages shall be filed no more than ten business days after petitioner's brief is filed. The court will then consider whether a stay, vacatur, or another remedy is more appropriate than the remand without vacatur provided in the order issued July 21, 2009.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk