

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

**CHAMBER OF COMMERCE OF THE UNITED STATES OF)
AMERICA; TEXAS ASSOCIATION OF BUSINESS,)**

Plaintiffs-Appellees)

v.)

No. 17-51063)

**INTERNAL REVENUE SERVICE; UNITED STATES)
DEPARTMENT OF TREASURY; DAVID J. KAUTTER,)
IN HIS OFFICIAL CAPACITY AS ACTING COMMISSIONER)
OF INTERNAL REVENUE; STEVEN T. MNUCHIN, IN HIS)
OFFICIAL CAPACITY AS UNITED STATES SECRETARY)
OF THE TREASURY,)**

Defendants-Appellants)

**APPELLANTS' UNOPPOSED MOTION
TO DISMISS APPEAL VOLUNTARILY**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the defendants/appellants – the Internal Revenue Service, the United States Department of Treasury, David J. Kautter, in his official capacity as Acting Commissioner of Internal Revenue, and Steven T. Mnuchin, in his official capacity as United States Secretary of the Treasury – move that (1) their appeal in the above-entitled case be dismissed with prejudice as moot, each party to bear its own appellate costs, including appellate attorneys’ fees, with respect to the appeal;

(2) an order dismissing the appeal be entered by the Clerk of this Court;
(3) notification of such order be transmitted to the Clerk of the United States District Court for the Western District of Texas; and (4) copies be transmitted to each of the parties. Counsel for the Chamber of Commerce of the United States and the Texas Association of Business, the plaintiffs/appellees, have been given an advance copy of this motion, and they do not object to the granting thereof.

WHEREFORE, it is respectfully requested that the appeal be dismissed.

Respectfully submitted,

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Principal Deputy Assistant Attorney General

TRAVIS A. GREAVES
Deputy Assistant Attorney General

/s/ Deborah K. Snyder

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July 26, 2018

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Defendants-Appellants)

DECLARATION

I, Deborah K. Snyder, of the Department of Justice, Washington, D.C., state as follows:

1. I am an attorney in the Tax Division, United States Department of Justice. In that capacity, I have been assigned as lead counsel for the appellants in the above-captioned case.

2. The facts stated in the foregoing motion are true and correct to the best of my knowledge.

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I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on this 26th day of July, 2018, at Washington, D.C.

/s/ Deborah K. Snyder
DEBORAH K. SNYDER
Attorney

CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f):

this document contains 182 words, **or**

this brief uses a monospaced typeface and contains _____ lines of text.

2. 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:

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this brief has been prepared in a monospaced typeface using _____ with _____.

/s/ Deborah K. Snyder
DEBORAH K. SNYDER
Attorney for Appellants

July 26, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on July 26, 2018, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system. I further certify that all counsel of record are registered CM/ECF users who will be served by the court's CM/ECF system.

/s/ Deborah K. Snyder

DEBORAH K. SNYDER

Attorney