

Panel Agrees to Rehear Conflict Minerals Case

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The D.C. Circuit Court of Appeals has granted the petitions for panel rehearing by the SEC and Amnesty International on the conflict minerals case, and have ordered the parties to file supplemental briefs to address the following specific questions:

- What effect, if any, does this court's ruling in the American Meat Institute case have on the First Amendment issue in this case regarding the conflict minerals disclosure requirement;
- What is the meaning of "purely factual and uncontroversial information" as used in the Zauderer case and American Meat Institute case; and
- Is the determination of what is "uncontroversial information" a question of fact?

As we previously discussed [here](#), Amnesty International argued in a supplemental briefing filed in late August asking for rehearing of the conflicts minerals case that the decision in the American Meat case, decided a month earlier, expressly overruled a portion of the conflicts minerals decision, and that the court should have applied the First Amendment standard for review set forth in Zauderer. Corporate representatives later urged that the [petition be denied](#). At issue is whether the statement regarding the conflict-free status of the products is "purely factual and uncontroversial information."

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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