IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN DOE COMPANY, ET AL. *Plaintiffs,* v. **CONSUMER FINANCIAL PROTECTION BUREAU,** *Defendant.*	Civil Action No. 15-cv-1177 (RDM)

DEFENDANT'S MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, FOR CLARIFICATION OF THIS COURT'S OCTOBER 16, 2015 AMENDED MEMORANDUM OPINION

Defendant, the Consumer Financial Protection Bureau ("the Bureau"), by and through undersigned counsel, respectfully submits this Motion For Reconsideration, Or In The Alternative, For Clarification Of This Court's October 16, 2015 Amended Memorandum Opinion. As explained in the accompanying memorandum, the Court should exercise its inherent authority to reconsider its October 16, 2015 decision, allowing Plaintiffs to re-caption this case as a John Doe suit and permitting them to redact their names and other identifying information. Courts consistently have rejected requests to proceed pseudonymously based on speculative claims of reputational and financial harm such as those that Plaintiffs advance here. Because Plaintiffs fall short of proving that their need to proceed anonymously in this litigation outweighs the public's right to know their names and other identifying information, the Bureau respectfully urges this Court to reconsider its October 16, 2015 decision and require Plaintiffs to disclose this information.

Alternatively, the Bureau requests clarification that the Court's October 16, 2015 decision does not prevent the Bureau for complying with its obligations under the Freedom Of Information Act, 5 U.S.C. § 552 *et seq.*, by releasing the non-exempt portions of the petition that Plaintiffs submitted to the Bureau prior to this litigation in response to a request under the Freedom Of Information Act.

On December 14, 2015, and December 15, 2015, in accordance with Local Civil Rule 7(m), counsel for the Bureau conferred telephonically (and via e-mail) with counsel for Plaintiffs regarding the request for relief at issue in this motion. Plaintiffs' counsel has indicated that they oppose the relief requested in the Bureau's motion.

Dated: December 16, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2015, I caused a copy of the foregoing Defendant's Motion For Reconsideration, Or In The Alternative, For Clarification Of This Court's October 16, 2015 Amended Memorandum Opinion, the accompanying memorandum in support thereof, and Proposed Order to be filed with the Clerk of the Court via the CM/ECF system, causing them to be served electronically. The documents are available for viewing and downloading from the ECF system.

/s/ *Tamra T. Moore*
TAMRA T. MOORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOHN DOE COMPANY, ET AL. *Plaintiffs,* v. **CONSUMER FINANCIAL PROTECTION BUREAU,** *Defendant.*	Civil Action No. 15-cv-1177 (RDM)

DEFENDANT'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, FOR CLARIFICATION OF THIS COURT'S OCTOBER 16, 2015 AMENDED MEMORANDUM OPINION

INTRODUCTION

On October 16, 2015, this Court issued an amended order, granting in part and denying in part Plaintiffs' motion to seal the proceedings in this case. Applying the six-factor test governing the sealing of court records set forth in the D.C. Circuit's decision in *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980), the Court refused to seal the entire case, concluding that sealing the entire case "would deprive the public of even the most basic information about this litigation." Am. Mem. Op. at 8, ECF No. 16. Despite this conclusion, the Court nonetheless determined that "it [wa]s appropriate to re-caption this case as a John Doe suit" and permit Plaintiffs to "redact their names and other identifying information" given Plaintiffs' interest "in avoiding being identified as the targets of a CFPB investigation." *Id.* at 5. Defendant, the Consumer Financial Protection Bureau ("the Bureau"), respectfully urges this Court to exercise its inherent authority to reconsider its October 16, 2015 decision.

This Court correctly found that Plaintiffs had failed to demonstrate that the application of the six-factor test in *Hubbard* weighed in favor of sealing the entire case. But because Plaintiffs first raised their request to proceed anonymously in their reply brief in support of their motion to seal the entire case, the Bureau did not have an opportunity to present argument regarding the proper standard to apply to such requests, nor to explain why Plaintiffs had failed to satisfy that standard. As explained below, Plaintiffs' unsupported claim that "[r]eleasing their identities and information tying them to a government investigation will surely do irreparable reputational and financial harm," *see id.* at 7 (quoting ECF No. 1), is an insufficient basis with which to allow Plaintiffs to proceed pseudonymously. Accordingly, the Bureau respectfully requests that the Court reconsider its decision to allow Plaintiffs to proceed as *Does* in this litigation.

Alternatively, the Bureau respectfully requests that the Court clarify that its October 16, 2015 Order does not prevent the Bureau from complying with its obligations under the Freedom of Information Act ("the FOIA"), 5 U.S.C. § 552 *et seq.*, by releasing in response to a request under the FOIA the non-exempt portions of a petition submitted to the Bureau by Plaintiffs prior to this litigation.

BACKGROUND

I. Procedural History

On July 22, 2015, Plaintiffs, businesses and an individual who advertise credit repair services (collectively "Plaintiffs") filed this lawsuit alleging that the Bureau's decision to exclude their counsel from a voluntary investigational hearing (*i.e.*, a transcribed witness interview) was arbitrary and capricious in violation of the Administrative Procedure Act ("the APA"), 5 U.S.C. § 704 *et seq.* Plaintiffs moved for temporary injunctive relief, and this Court held an evidentiary hearing on July 23, 2015. For reasons not relevant to the instant motion, the

motion for a temporary restraining order was denied as moot at the hearing, and Plaintiffs voluntarily dismissed this action on August 6, 2015. *See* ECF No. 15-12.

As relevant here, on the same day that Plaintiffs filed this lawsuit, they also moved "for an order sealing the entire docket in this matter," ECF No. 15-3 at 1, arguing that a seal was warranted to "'protect the Plaintiffs from the serious harm that would result if [their] identity as the subject[s] of an ongoing investigation were disclosed to the public at large.'" Am. Mem. Op. 2 (quoting ECF No. 1). Later that same day, Acting Chief Judge Emmet G. Sullivan ordered the case temporarily sealed "without prejudice to further consideration by the United States District Judge to whom this case is randomly assigned." *Id.* at 3 (quoting ECF No. 2). A few hours later, the case was assigned to this Court.

The following day, on July 23, 2015, the Bureau filed its opposition to Plaintiffs' motion to seal the entire case. *See* ECF No. 15-7. In its opposition, the Bureau argued that Plaintiffs' request to seal the entire case was contrary to the public's "'general right'" to access court documents and proceedings and explained why Plaintiffs had failed to satisfy the test governing the sealing of court proceedings set forth in *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980)). *See* ECF No. 15-7 (internal citation omitted). On July 27, 2015, Plaintiffs filed a reply in support of their motion to seal the entire case. ECF No. 15-10. In their reply, Plaintiffs requested—for the first time—that "to the extent the Court determines that its proceedings and orders must be made available to the public, . . . the docket be transitioned to a John Doe action so that the privacy and reputations of Plaintiffs may be protected." *Id.* at 8. Plaintiffs cited no authority in support of their request for anonymity. *Id.*

The Court did not hold oral argument on Plaintiffs' motion to seal but instead decided Plaintiffs' motion on the basis of the parties' briefs. On October 16, 2015, this Court issued an

Amended Memorandum Opinion and Order granting in part and denying in part Plaintiffs' motion to seal the entire case. *See* Am. Mem. Op., ECF No. 16 (Oct. 16, 2015). In its decision, the Court agreed with the Bureau that "[m]aintaing th[e] matter entirely under seal [wa]s not warranted." *Id.* at 8. Although the Court rejected Plaintiffs' effort to seal the entire case, it allowed Plaintiffs to re-caption the case and redact their names and other identifying information. *Id.* In accordance with this Court's October 16, 2015 decision, Plaintiffs filed redacted versions of the pleadings on the docket.

II. The Bureau's Receipt Of A FOIA Request

Shortly after Plaintiffs filed redacted versions of the pleadings on the docket, the Bureau received a request under the FOIA for copies of all petitions filed with the Bureau between July 12, 2015, and July 23, 2015. The Bureau has determined that the petition that Plaintiffs submitted to the Bureau on July 17, 2015, is responsive to the FOIA request. *See* Am. Compl. ¶ 31 (ECF No. 15-1). On November 24, 2015, pursuant to 12 C.F.R. § 1070.18(b), the Bureau's FOIA Office made an initial determination to release a redacted copy of the petition in response to the FOIA request. The Bureau applied the same redactions as those applied to the version that Plaintiffs filed on this Court's public docket.

ARGUMENT

I. This Court Has Inherent Authority To Reconsider Its October 16, 2015 Order.

It is well-settled that a "district court has authority to seal and unseal documents as part of its 'supervisory power over its own records and files.'" *United States v. Ring*, 47 F. Supp. 3d 38, 40 (D.D.C. 2014) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). This is so even where, as here, Plaintiffs have voluntarily dismissed their suit. *See, e.g.*, *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 142 (2d Cir. 2004) ("A district court that concludes that there

is a public right of access to judicial documents thus acts within its jurisdiction when it modifies or vacates a protective order to all that access, irrespective of whether it does so before or after a stipulation of dismissal has been filed."); *see also FutureFuel Chem. Co. v. Lonza*, 756 F.3d 641, 648 (8th Cir. 2014) ("the district court was permitted to consider whether to unseal the record despite [plaintiff's] filing a notice of appeal in this case challenging the grant of summary judgment"); *United Nuclear Corp. v. Cranford Ins. Co.*, 905 F.2d 1424, 1427 (10th Cir. 1990) ("As long as a protective order remains in effect, the court that entered the order retains the power to modify it, even if the underlying suit has been dismissed."); 8A Fed. Prac. & Proc. Civ. § 2044.1 (3d ed.) ("[C]ourts have the authority to unseal their files even after the case in which the papers was filed has been dismissed.").

Put another way, this Court's "supervisory power does not disappear because jurisdiction over the relevant controversy has been lost. The records and files are not in limbo. So long as they remain under the aegis of the court, they are superintended by the judges who domain over the court." *Gambale*, 377 F.3d at 140. As the foregoing demonstrates, this Court has authority to reconsider its decision to allow Plaintiffs to proceed as *Does* in this litigation. For the reasons set forth below, the Court should find that Plaintiffs' speculative claims of reputational and economic harm do not outweigh the public's right to full access to these judicial proceedings, including Plaintiffs' names and other identifying information.

II. Plaintiffs Should Not Be Permitted To Shield Their Names And Other Identifying Information From Public Disclosure.

A. The Court correctly rejected Plaintiffs' request to seal the entire case.

As this Court observed in its October 16, 2015 decision, "[t]here is a 'strong presumption in favor of public access to judicial proceedings,'" *see* Am. Op. & Order 4, ECF No. 16 (quoting *EEOC v. Nat'l Children's Ctr.*, 98 F.3d 1406, 1409 (D.C. Cir. 1996)), which is "enhanced"

where, as here, "the government is a party" to the proceedings, *see id.* (quoting *Friedman v. Sebelius*, 672 F. Supp. 2d 54, 58 (D.D.C. 2009)). Plaintiffs who seek to seal entire court proceedings must rebut the strong presumptive public right to access all judicial documents and records by proving that "'countervailing interests heavily outweigh the public interest in access.'" *Doe v. Public Citizen*, 749 F.3d 246, 266 (4th Cir. 2014) (internal citation omitted). To determine whether a plaintiff has satisfied this substantial burden, courts in this circuit examine six factors: (1) the need for public access to the documents at issue; (2) the extent to which the public had access to the document prior to the sealing order; (3) the fact that a party has objected to disclosure and the identity of that party; (4) the strength of the property and privacy interests involved; (5) the possibility of prejudice to those opposing disclosure; and (6) the purpose for which the documents were introduced. *See Hubbard*, 650 F.2d at 317-21.

Applying the *Hubbard* factors in this case, this Court correctly concluded that "[m]aintaining this matter entirely under seal is not warranted." Am. Mem. Op. & Order 8, ECF No. 16. Specifically, the Court recognized that the presumption of public access to court documents weighed against granting Plaintiffs' motion; that Plaintiffs' privacy interest in maintaining the confidentiality of the Bureau's investigation was significantly weaker than the interests at issue in the cases on which Plaintiffs relied; and that the purpose for which the submissions in this litigation were introduced—to ensure that "the attorney-client privilege was respected in the course of the CFPB's [investigational hearing]"—would not be undermined by disclosure. *See id.* at 4-8. Weighing these factors the Court concluded that "sealing the entire case, rather than simply a subset of the filed documents, would deprive the public of even the most basic information about this litigation." *Id.* at 8.

Although the Court concluded that Plaintiffs had failed to meet their burden under the *Hubbard* test, it nevertheless granted Plaintiffs' alternative request—first made in the last sentence of their reply brief—and allowed Plaintiffs to re-caption this case as a John Doe suit and redact their names and other identifying information. *Id.* Because requests to proceed pseudonymously in litigation raise considerations not presented in requests to seal court documents, the Bureau respectfully urges the Court to reconsider this decision.

B. Plaintiffs should not be allowed to proceed pseudonymously based on their unsupported claims of reputational and economic harm.

Both the Federal Rules of Civil Procedure and the Local Rules of this Court require that the identities of the parties to a case be publicly disclosed. *See* Fed. R. Civ. P. 10(a) & LCvR 5.1(c)(1). This requirement recognizes that the public has a strong "interest in knowing the names of litigants" before the federal courts. *Public Citizen*, 749 F.3d at 273. Notwithstanding the public's strong, presumptive right to access litigants' identifying information, courts may grant "the 'rare dispensation' of anonymity against the world" but only when the "circumstances of [a] particular case[]" warrant the dispensation. *United States v. Microsoft*, 56 F.3d 1448, 1464 (D.C. Cir. 1995) (quoting *James v. Jacobson*, 6 F.3d 233, 238 (4th Cir. 1995)).

Indeed, it is only "in exceptional circumstances [that] compelling concerns relating to personal privacy or confidentiality may warrant some degree of anonymity in judicial proceedings, including the use of a pseudonym." *Public Citizen*, 749 F.3d at 273; *see also Doe v. Teti*, Civ. No. 15-01380, 2015 WL 6689862, at *2 (D.D.C. Oct. 19, 2015) (explaining that "[t]he 'rare dispensation' of allowing parties to proceed pseudonymously is only justified in in the 'critical' case, or the 'unusual case'") (internal citations omitted). Thus, courts have "an independent obligation to ensure that extraordinary circumstances support such a request." *Public Citizen*, 749 F.3d at 273.

To determine whether "extraordinary circumstances" warrant allowing a litigant to proceed pseudonymously, courts in this circuit consider the following five factors:

> (1) whether the justification asserted by the requesting party is merely to avoid the annoyance and criticism that may attend any litigation or is to preserve privacy in a matter of a sensitive and highly personal matter;
>
> (2) whether identification poses a risk of retaliatory physical or mental harm to the requesting party or even more critically, to innocent parties;
>
> (3) the ages of the persons whose privacy interests are sought to be protected;
>
> (4) whether the action is against a governmental or private party; and
>
> (5) the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

Teti, 2015 WL 6689862 at *2.[1] In applying this five-factor test, "[n]o single factor is necessarily determinative." *Teti*, 2015 WL 6689862 at *2. Rather, "a court 'should carefully review *all* the circumstances of a given case and then decide whether the customary practice of disclosing the plaintiff's identity should yield' to the plaintiff's request for anonymity[,]" *see id.* (quoting *Doe v. Frank*, 951 F.2d 320, 324 (11th Cir. 1992) (emphasis in original)), bearing in mind, as explained above, that such requests "should be granted sparingly." *Id.* (quoting *Qualls*, 228 F.R.D. at 10-11). As the Eleventh Circuit has aptly explained, "[l]awsuits are public events. A

[1] Although the D.C. Circuit "has yet to articulate a precise test for determining whether leave to file pseudonymously on a temporary basis is warranted," *see id.* at *1, district courts in this circuit apply this five-factor test to requests to proceed pseudonymously. *See, e.g.*, *Doe v. Cabrera*, 307 F.R.D. 1, 5 (D.D.C. 2014); *Nat. Assoc. of Waterfront Emp'rs v. Chao*, 587 F. Supp. 2d 90, 99 (D.D.C. 2008); *Qualls v. Rumsfeld*, 228 F.R.D. 8, 10-11 (D.D.C. 2005); *cf. Yaman v. U.S. Dep't of State*, 786 F. Supp. 2d 148, 152-53 (D.D.C. 2011) (reasoning that it is "more appropriate" to examine a request to file plaintiffs' address under seal and ex parte using the framework established by courts to consider requests to proceed pseudonymously, rather than the facts set forth in *Hubbard*); *but see In re Grand Jury Subpoena No. 11116275*, Misc. No. 11-527, 2012 WL 692866 (D.D.C. Feb. 23, 2012) (applying *Hubbard* factors to motion to proceed anonymously). It bears mentioning that these factors are identical to those recognized by the Fourth Circuit in *James v. Jacobson*, 6 F.3d 233 (4th Cir. 1993), which the D.C. Circuit cited in its brief discussion of this issue in *United States v. Mircosoft Corp.*, 56 F.3d 1448 (D.C. Cir. 1995).

plaintiff should be permitted to proceed anonymously only in exceptional cases involving a highly sensitive and personal nature, real danger of physical harm, or where the injury litigated against would be incurred as a result of the disclosure of the plaintiff's identity." *Doe v. Frank*, 951 F.2d 320, 323 (11th Cir. 1992); *see also, e.g.*, *Doe v. Megless*, 654 F.3d 404, 408 (3d Cir. 2011) (explaining that courts have been willing to allow a party to proceed pseudonymously in cases involving, for example, "'abortion, birth control, transsexuality, mental illness. . . .'") (internal citation omitted); *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981) (granting request to proceed pseudonymously in order to protect the privacy interests of children).

Here, none of the five factors weighs in favor of allowing Plaintiffs to proceed pseudonymously in this litigation. Plaintiffs do not claim that they seek "to preserve privacy in a matter of a sensitive and highly personal nature" (the first factor). Nor do Plaintiffs allege that public disclosure of their names and other identifying information "poses a risk of retaliatory physical or mental harm" to either themselves or "innocent non-parties" (the second factor). Instead, Plaintiffs speculate that "'[r]eleasing their identities and information tying them to a government investigation will surely do irreparable reputational and financial harm.'" Am. Mem. Op. at 7 (quoting ECF No. 1). But courts faced with virtually identical allegations of reputational and economic harm "consistently have rejected anonymity requests to prevent speculative and unsubstantiated claims of harm to a company's reputational or economic interests."[2] *Public Citizen*, 749 F.3d at 274 (citing *Nat'l Commodity & Barter Ass'n v. Gibbs*,

[2] Courts also have rejected such arguments in the motion to seal context. As the Fourth Circuit recently explained:

> A corporation may possess a strong interest in preserving the confidentiality of its proprietary and trade-secret information, which in turn may justify partial sealing of court records. We are unaware, however, of any case in which a court has found a company's bare allegation of reputational harm to be a compelling interest sufficient to defeat the

886 F.2d 1240, 1245 (10th Cir. 1989)). These courts have reasoned "that use of a pseudonym 'merely to avoid the annoyance and criticism that may attend . . . litigation is impermissible.'" *Id.* (quoting *Jacobson*, 6 F.3d at 238).

The remaining factors governing requests to proceed pseudonymously are easily dispensed with. Plaintiffs do not claim that they seek to protect the privacy interests of minor children (the third factor). And although two district courts in this circuit have "suggest[ed] that the status of a defendant as a governmental party tends to weigh in favor" of allowing Plaintiffs to proceed pseudonymously (the fourth factor), *see Teti*, 2015 WL 6689862 at *3 (citing *Chao*, 587 F. Supp. 2d at 99 n.9; *Yaman*, 786 F. Supp. 2d at 153), another district court in this circuit has concluded otherwise, recognizing that "[t]here is nothing self-evident about favoring or not favoring anonymity based upon the defendant being either a government or private party." *Id.* To the latter point, "the public interest in the underlying litigation is especially compelling" where, as here, Plaintiffs have "sued a federal agency." *Public Citizen*, 749 F.3d at 274 (citing *Doe v. Megless*, 654 F.3d 404, 411 (3d Cir. 2011) (explaining that the public's interest in disclosure of plaintiff's identity was "heightened" because defendants were "public officials and government bodies")). At bottom, "the fact that a defendant is a governmental entity does not alone present more of a reason to allow a plaintiff to file a complaint anonymously. Context matters." *Teti*, 2015 WL 6689862 at *3.

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public's First Amendment right of access. Conversely, every case we have located has reached the opposite result under the less demanding common-law standard.

Public Citizen, 749 F.3d at 269-70 (citing cases from the Third, Sixth, Seventh, and Eleventh Circuits that hold that "commercial self-interest" and desire to avoid harm to a company's reputation are insufficient to rebut the common-law presumption of access to court documents and proceedings).

And in the "context" of Bureau investigations, the Bureau's rules regarding the confidentiality of Bureau records and information that limit the circumstances in which records obtained in the course of an investigation may be disclosed, *see* 12 C.F.R. § 1070.41(a), do not support Plaintiffs' request for anonymity in this case. The Bureau's confidentiality rules specifically contemplate the disclosure of such records in "an administrative or court proceeding to which the Bureau is a party," *see* 12 C.F.R. § 1070.45(a)(4), and provide that the restrictions on disclosure are subject to "any other applicable law," *see* 12 C.F.R. § 1070.45(a)(6). "Other applicable law" includes Federal Rule of Civil Procedure 10(a) and Local Rule 5.1(c)(1). Consequently, confidential investigative information has been revealed in litigation commenced prior to the initiation of an action to enforce federal consumer financial law, either by the Bureau or by a party suing the Bureau. *See, e.g., Consumer Financial Protection Bureau v. Accrediting Council for Indep. Colls. & Sch.*, Civ. No. 1:15-1838-RJL (D.D.C.); *Morgan Drexen, Inc. v. Consumer Financial Protection Bureau*, 979 F. Supp. 2d 104 (D.D.C. 2013). Accordingly, the "context" here—the pendency of an otherwise non-public investigation—does not support Plaintiffs' request for anonymity.

Finally, the fifth factor—the risk of unfairness to the opposing party from allowing an action against it to proceed anonymously—cuts against support Plaintiffs' request to proceed anonymously. Several courts have expressly held that where the government is the defendant to the action, this factor weighs against anonymity "because the governmental defendant would be prejudiced by having to defend a case without naming the plaintiff where the plaintiff nonetheless attacked the government publicly." *Teti*, 2015 WL 6689862, at *3 (citing *Doe v. North Carolina Cent. Univ.*, 1999 WL 1939248 at *4-5 (M.D.N.C. Apr. 15, 1999)).

As the foregoing demonstrates, Plaintiffs should not be allowed to shield from public disclosure either their names or other identifying information in this case simply because they are the subjects of a Bureau investigation. Plaintiffs have not demonstrated that their need for anonymity is either "critical" or "unusual" thereby warranting this Court's grant of the "rare dispensation" of allowing them to proceed pseudonymously. For these reasons, the Court should grant the Bureau's motion and require Plaintiffs to disclose their names and other identifying information as is required under the Federal Rules of Civil Procedure and this Court's own Local Rules.

III. Alternatively, The Bureau Seeks Clarification That This Court's Order Does Not Preclude The Bureau From Complying With Its Obligations Under The FOIA.

If this Court finds that Plaintiffs have adequately demonstrated that they are entitled to proceed pseudonymously in this litigation (which it should not), the Bureau alternatively requests clarification that this Court's October 16, 2015 decision does not prevent the Bureau from complying with its obligations under the FOIA. As explained above, the Bureau received a FOIA request seeking a copy of the petition submitted to the Bureau by Plaintiffs. In response to the FOIA request, the Bureau's FOIA Office made an initial determination pursuant to 12 C.F.R. § 1070.18(b), to release a redacted copy of the petition, which is identical to the redacted petition that Plaintiffs filed on the Court's public docket.

Although documents associated with Bureau investigations are presumptively confidential, the Bureau's rules do not purport to restrict public access to documents that are not exempt under the FOIA. *See* 12 C.F.R. §§ 1070.41(a), 1070.45(a)(6). For these reasons, the Bureau seeks clarification that the Court's October 16, 2015 decision does not prevent the Bureau from complying with its obligations under the FOIA by releasing the non-exempt portions of the petition to this or any other FOIA requester.

Dated: December 16, 2015

Respectfully submitted,

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FOR THE DISTRICT OF COLUMBIA

JOHN DOE COMPANY, ET AL. *Plaintiffs,* v. **CONSUMER FINANCIAL PROTECTION BUREAU,** *Defendant.*	Civil Action No. 15-cv-1177 (RDM)

[PROPOSED] ORDER

Upon consideration of Defendant's Motion For Reconsideration, Or In The Alternative, For Clarification Of This Court's October 16, 2015 Amended Memorandum Opinion, and Plaintiffs' opposition thereto, it is hereby

ORDERED that Defendant's Motion For Reconsideration, Or In The Alternative, For Clarification Of This Court's October 16, 2015 Amended Memorandum Opinion is GRANTED, and it is further ORDERED that this case will no longer be captioned as a John Doe suit and Plaintiffs must submit unredacted versions of the pleadings in this case within one week of the date of this Order.

[ALTERNATIVE PROPOSED] ORDER

ORDERED that Defendant's Motion For Reconsideration, Or In The Alternative, For Clarification Of This Court's October 16, 2015 Amended Memorandum Opinion is DENIED. The Court clarifies that its October 16, 2015 Order [does not] [does] prevent Defendant from complying with its obligations under the Freedom Of Information Act ("the FOIA"), 5 U.S.C. §

552 *et seq.*, by releasing the non-exempt portions of the petition in response to the FOIA request that Defendant received.

Dated: _____

_____
UNITED STATES DISTRICT JUDGE