

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**CALIFORNIA ASSOCIATION OF  
PRIVATE POSTSECONDARY  
SCHOOLS,**

Plaintiff,

v.

**ELISABETH DEVOS,** in her official  
capacity as Secretary of the Department  
of Education, and the **U.S.  
DEPARTMENT OF EDUCATION,**

Defendants,

and

Civil Action No. 17-999 (RDM)

**COMMONWEALTH OF  
MASSACHUSETTS**

One Ashburton Place  
Boston, MA 02108;

**STATE OF CALIFORNIA**

300 South Spring Street, Suite 1702  
Los Angeles, CA 90013;

**PEOPLE OF THE  
STATE OF ILLINOIS**

100 West Randolph Street  
Chicago, IL 60601;

**STATE OF IOWA**

1305 E. Walnut St.  
Des Moines, IA 50319;

**THE ATTORNEY GENERAL OF  
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200 St. Paul Place, 16th Floor  
Baltimore, MD 21202;

**STATE OF NEW YORK**

120 Broadway, 3rd Floor  
New York, NY 10271;

**STATE OF OREGON**

1162 Court Street, NE  
Salem, OR 97301;

**COMMONWEALTH OF  
PENNSYLVANIA**

564 Forbes Avenue  
Pittsburgh, PA 15219; and

**DISTRICT OF COLUMBIA**

441 4th Street, N.W., 6th Floor  
Washington, DC 20001,

[Proposed] Defendant-Intervenors

**MOTION OF THE COMMONWEALTH OF MASSACHUSETTS, THE  
STATE OF CALIFORNIA, THE PEOPLE OF THE STATE OF  
ILLINOIS, THE STATE OF IOWA, THE ATTORNEY GENERAL OF  
MARYLAND, THE STATE OF NEW YORK, THE STATE OF OREGON,  
THE COMMONWEALTH OF PENNSYLVANIA, AND THE DISTRICT  
OF COLUMBIA FOR LEAVE TO INTERVENE**

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, the Commonwealth of Massachusetts, the States of California, Illinois, Iowa, New York, and Oregon, the Commonwealth of Pennsylvania, the Attorney General of Maryland, and the District of Columbia, by and through its Attorney General, (the “State Movants”) hereby respectfully request leave to intervene as of right as defendants in this litigation on all claims contained in the Complaint and on all relief requested in the Complaint. Alternatively, the State Movants respectfully request permission to intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure.

This action concerns final regulations promulgated by the Department of Education that govern loan forgiveness for federal student loan borrowers who have been deceived or cheated by postsecondary schools or colleges. The challenged regulations (the “Borrower Defense Regulations”) establish a framework for determining when to grant loan forgiveness to borrowers that incorporates enforcement actions brought by state agencies, including the State Movants. Consequently, the Borrower Defense Regulations enhance the effectiveness of state enforcement efforts. As the actors charged with enforcing the consumer protection laws in their respective states, the State Movants have a significant interest in regulations that implicate these enforcement functions.

Furthermore, the State Movants have a specific interest in the provisions of the Borrower Defense Regulations at issue in CAPPS’s Motion for a Preliminary Injunction. These provisions

prohibit schools participating in the Federal Direct Loan Program from using mandatory predispute arbitration agreements and class action waivers. By protecting borrowers' ability to bring private lawsuits, the provisions restore an important component of the State Movants' consumer protection enforcement frameworks, which were designed to include private lawsuits to supplement public enforcement efforts. Accordingly, the State Movants request an opportunity to be heard at the Preliminary Injunction hearing set for June 21, 2017.

In support of their Motion for Leave to Intervene, the State Movants refer the Court to their Memorandum in Support of the State Movants' Motion to Intervene.

Pursuant to D.D.C. Local Rule 7(m), undersigned counsel conferred with counsel for all parties. Counsel for Plaintiff indicated that Plaintiff opposes the relief requested in this motion. Counsel for Defendants has not provided the State Movants with a position on the relief requested in this motion.

SUBMITTED this 13th day of June, 2017.

FOR THE COMMONWEALTH OF  
MASSACHUSETTS

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**CERTIFICATE OF SERVICE**

I certify that on June 13th, 2017, I caused a copy of the foregoing State Movants' Motion to Intervene, Memorandum in Support, and Proposed Order to be filed electronically and that these documents are available for viewing and downloading from the ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Yael Shavit

YAEL SHAVIT