

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY:  DEPUTY

COMMUNITY FINANCIAL SERVICES §  
ASSOCIATION OF AMERICA, LTD. §  
AND CONSUMER SERVICE §  
ALLIANCE OF TEXAS, §  
PLAINTIFFS, §

V. §

CAUSE NO. A-18-CV-0295-LY

CONSUMER FINANCIAL §  
PROTECTION BUREAU AND JOHN §  
MICHAEL MULVANEY, §  
DEFENDANTS. §

**ORDER**

Before the court is the above styled and numbered cause. Pending in the action are Plaintiffs Community Financial Services Association of America, Ltd. and Consumer Service Alliance of Texas's ("Associations") Unopposed Motion for Reconsideration filed June 21, 2018 (Clerk's Document No. 30) and Defendant Consumer Financial Protection Bureau's ("Bureau") Response in Support of Plaintiffs' Motion for Reconsideration filed June 22, 2018 (Clerk's Document No. 34). Also pending is the Motion by Public Citizen, Inc., Americans for Financial Reform Education Fund, Center for Responsible Lending, and National Consumer Law Center ("Nonparties") for Leave to File Amicus Memorandum in Opposition to Plaintiffs' Motion for Reconsideration filed June 25, 2018 (Clerk's Document No. 32), which includes the amicus memorandum as an exhibit, and the Bureau's Response to Amici's Motion for Leave to File Amicus Memorandum filed June 29, 2018 (Clerk's Document No. 35). The court addresses both motions.

**Motion for leave to file amicus memorandum**

The Nonparties' motion provides that the Associations oppose the motion for leave to file, although the Associations have not filed any written opposition. The Bureau informs the court that it takes no position on the motion, however the Bureau's response provides, "the substance of the proposed [amicus] memorandum would not materially affect the resolution of the pending Motion for Reconsideration."

Having considered the case file and the applicable law, the court will grant the Nonparties' motion for leave to file the amicus memorandum in opposition to the motion for reconsideration.

**Motion for reconsideration**

This action was filed on April 9, 2018. By order rendered June 12, 2018, the court granted two of the parties' three joint requests—the court relieved the Bureau of filing an answer and stayed all proceedings in this action pending further order of the court. The court also ordered that "the parties file joint periodic status reports detailing the matters described in their motion," with the first report due on or before August 17, 2018. In all other respects the parties' joint requests were denied.

By the motion for reconsideration, the Associations ask the court to reconsider only the portion of the June 12 order that denied the parties' joint request to stay the August 19, 2019 compliance date for the Bureau's "Payday, Vehicle Title, and Certain High-Cost Installment Loans" rule ("Payday Rule" or "Rule") until 455 days after final judgment is rendered in this action.<sup>1</sup> The Bureau's response in support of the motion, informs the court that it is taking steps to reconsider the Payday Rule through the notice-and-comment administrative rulemaking process. Further the

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<sup>1</sup> Although the Payday Rule became effective on January 16, 2018, August 19, 2019 is the compliance date for most provisions of the Payday Rule.

Bureau informs the court that in light of the Bureau's intention to reconsider the Rule, the Bureau has granted waivers to all requesting companies, so that these companies avoided compliance with the Rule's April 16, 2018 deadline for preliminary approval to become a registered information system. The waivers granted are open-ended, as none of them have a fixed expiration date or establish a new deadline.

Having considered the motion for reconsideration, the Bureau's response, the amicus memorandum, the case file, the applicable law, the fact that the compliance date at issue is over one year away, and that the parties request includes a 455-day stay of the compliance deadline beyond the court's final judgment, the court will deny the motion for reconsideration. As mentioned in the June 12 order, through joint status reports the parties may inform the court of any pertinent matters related to the rulemaking process associated with the Payday Rule that impact this action and request further action by the court.

**IT IS ORDERED** that the Motion by Public Citizen, Inc., Americans for Financial Reform Education Fund, Center for Responsible Lending, and National Consumer Law Center for Leave to File Amicus Memorandum in Opposition to Plaintiffs' Motion for Reconsideration filed June 25, 2018 (Clerk's Document No. 32) is **GRANTED**. The clerk of court shall file the Amicus Memorandum in this action.

**IT IS FURTHER ORDERED** that Plaintiffs Community Financial Services Association of America, Ltd. and Consumer Service Alliance of Texas's Unopposed Motion for Reconsideration filed June 21, 2018 (Clerk's Document No. 30) is **DENIED**.

SIGNED this 7th day of August, 2018.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE