



VIA ECF

**MICHAEL D. ROTH**  
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September 12, 2018

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 2220  
New York, NY 10007

Re: *CFPB, et al. v. RD Legal Funding, LLC, et al.*, Case No. 17-cv-890

Dear Judge Preska:

Defendants RD Legal Funding, LLC, RD Legal Finance, LLC, RD Legal Funding Partners, LP, and Roni Dersovitz (collectively, "RD Legal") write to clarify a potential clerical error in the Court's September 12, 2018 Order. (ECF No. 105.)

The Order states that because "the appropriate remedy for Title X's unconstitutional for-cause removal provision is invalidating Title X in its entirety, it follows that there is no statute for the NYAG to proceed under and no grant of authority to proceed." (*Id.* at 1.) Accordingly, the Court dismissed the NYAG's Consumer Financial Protection Act ("CFPA") claims, but it appears that the Court inadvertently dismissed the claims "without" prejudice, (*id.* at 7), given that "there is no statute for the NYAG to proceed under." To the extent the Court intended to dismiss the CFPA claims "with" prejudice, and only the NYAG's state law claims "without" prejudice, RD Legal requests that the Court correct the clerical error.

Respectfully submitted,

/s/ Michael D. Roth

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