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12
 13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

15
 16 CALIFORNIA REINVESTMENT
 COALITION, NATIONAL ASSOCIATION
 17 FOR LATINO COMMUNITY ASSET
 BUILDERS, DEBORAH LYNN FIELD, and
 18 RESHONDA YOUNG,

19 Plaintiffs,

20 v.

21 KATHLEEN L. KRANINGER, Director,
 Consumer Financial Protection Bureau, In Her
 Official Capacity, and CONSUMER
 22 FINANCIAL PROTECTION BUREAU,

23 Defendants.

Case No. 4:19-cv-02572-JSW

24
 25 **DEFENDANTS' ANSWER AND**
26 AFFIRMATIVE DEFENSES

27 Defendants, Kathleen L. Kraninger, in her official capacity as the Director of the
 28 Consumer Financial Protection Bureau, and the Consumer Financial Protection Bureau (Bureau),
 respectfully submit this Answer and Affirmative Defenses in response to the Amended

1 Complaint filed by Plaintiffs California Reinvestment Coalition (CRC), National Association for
2 Latino Community Asset Builders, Deborah Lynn Field, and ReShonda Young.

3 AFFIRMATIVE DEFENSES

4 1. This Court lacks subject matter jurisdiction over Plaintiffs' Amended Complaint
5 because Plaintiffs lack standing to maintain this action.

6 2. Count Two of Plaintiffs' Amended Complaint is barred by the applicable statute of
7 limitations.

8 RESPONSES TO NUMBERED PARAGRAPHS

9 Defendants deny all the allegations in the Amended Complaint, including the relief
10 sought, except to the extent specifically admitted in this Answer. Defendants admit, deny, or
11 otherwise respond to the numbered paragraphs in the Amended Complaint as follows:

12 1. This paragraph does not contain allegations but rather a statement describing the nature
13 of this action, to which no response is required. Defendants admit that Plaintiffs brought this
14 action under the Administrative Procedure Act (APA).

15 2. This paragraph consists of Plaintiffs' characterization of the Bureau's report, *Key*
16 *Dimensions of the Small Business Lending Landscape*, which is cited at footnote 1 of the
17 Amended Complaint. To the extent that a response is required, Defendants refer to the text of the
18 report for a full and accurate statement of its contents. Defendants deny any allegations that are
19 inconsistent with its contents.

20 3. This paragraph consists of Plaintiffs' characterization of section 1071 of the Dodd-
21 Frank Wall Street Reform and Consumer Protection Act of 2010 (which is codified at 15 U.S.C.
22 § 1691c-2) (section 1071), to which no response is required. Defendants refer this Court to the
23 text of that section for its true and complete contents, and deny the allegations of this paragraph
24 to the extent they are inconsistent with the full text of the section.

25 4. To the extent that the first sentence of this paragraph characterizes section 1071, no
26 response is required. Defendants refer this Court to the text of that section for its true and
27 complete contents, and deny the allegations of this sentence to the extent they are inconsistent
28 with the full text of the section. Defendants also note that, although section 1071 was enacted in

1 July 2010, it did not take effect until July 2011. Defendants admit that they have not collected
2 and published the data described in section 1071, and admit that they have not issued regulations
3 to implement section 1071. Defendants deny the second sentence of this paragraph.

4 5. This paragraph consists of speculation regarding the impact of rules promulgated
5 pursuant to section 1071, to which no answer is required. To the extent that an answer is
6 required, Defendants deny.

7 6. This paragraph consists of speculation regarding the impact of rules promulgated
8 pursuant to section 1071, to which no answer is required. To the extent that an answer is
9 required, Defendants deny.

10 7. Defendants lack knowledge or information sufficient to form a belief as to the
11 allegations of this paragraph, and so deny the allegations.

12 8. Deny.

13 9. This paragraph contains conclusions of law to which no response is required.

14 10. This paragraph contains conclusions of law to which no response is required.

15 11. Defendants lack knowledge or information sufficient to form a belief as to the
16 allegations of this paragraph, and so deny the allegations.

17 12. Defendants lack knowledge or information sufficient to form a belief as to the
18 allegations of this paragraph, and so deny the allegations.

19 13. Defendants lack knowledge or information sufficient to form a belief as to the
20 allegations of this paragraph, and so deny the allegations.

21 14. Defendants lack knowledge or information sufficient to form a belief as to the
22 allegations of this paragraph, and so deny the allegations.

23 15. Admit.

24 16. Admit.

25 17. Defendants lack knowledge or information sufficient to form a belief as to the
26 allegations of this paragraph, and so deny the allegations.

27 18. This paragraph consists of Plaintiffs' characterization of the Dodd-Frank Wall Street
28 Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, 124 Stat. 1376 (Dodd-

1 Frank), to which no response is required. Defendants refer this Court to the text of Dodd-Frank
2 for its true and complete contents, and deny the allegations of this paragraph to the extent they
3 are inconsistent with the full text of Dodd-Frank.

4 19. This paragraph consists of Plaintiffs' characterization of Dodd-Frank, and of section
5 1021 of that Act, 12 U.S.C. 5511, to which no response is required. Defendants refer this Court
6 to the text of Dodd-Frank, and of section 1021, for their true and complete contents, and deny the
7 allegations of this paragraph to the extent they are inconsistent with the full text of Dodd-Frank
8 and of section 1021.

9 20. This paragraph consists of Plaintiffs' characterization of Dodd-Frank, to which no
10 response is required. Defendants refer this Court to the text of Dodd-Frank for its true and
11 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
12 with the full text of Dodd-Frank.

13 21. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
14 response is required. Defendants refer this Court to the text of that section for its true and
15 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
16 with the full text of that section.

17 22. This paragraph consists of Plaintiff's characterization of section 1071, to which no
18 response is required. Defendants refer this Court to the text of that section for its true and
19 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
20 with the full text of that section.

21 23. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
22 response is required. Defendants refer this Court to the text of that section for its true and
23 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
24 with the full text of that section.

25 24. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
26 response is required. Defendants refer this Court to the text of that section for its true and
27 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
28 with the full text of that section.

1 25. To the extent that the first sentence of this paragraph characterizes Dodd-Frank, no
2 response is required. Defendants refer this Court to the text of Dodd-Frank for its true and
3 complete contents, and deny the allegations of this sentence to the extent they are inconsistent
4 with the full text of the section. Defendants admit that they have never published regulations
5 requiring financial institutions to collect, nor requiring the Bureau to publish, data regarding
6 lending to women-owned, minority-owned, and small businesses. Defendants admit that the
7 Bureau's General Counsel issued a letter to the Chief Executive Officers of Financial Institutions
8 under Section 1071 of Dodd-Frank, which is cited at footnote 3 of the Amended Complaint.
9 Defendants refer this Court to the text of that letter for its true and complete contents, and deny
10 the allegations of this paragraph concerning the letter to the extent that they are inconsistent with
11 that letter. Defendants otherwise deny the second sentence of this paragraph.

12 26. This paragraph consists of Plaintiffs' characterization of the Bureau's December 2012
13 Fair Lending Report, which is cited at footnote 4 of the Amended Complaint. To the extent that a
14 response is required, Defendants refer to the text of the Report for a full and accurate statement
15 of its contents. Defendants deny any allegations that are inconsistent with its contents.

16 27. The first sentence consists of Plaintiff's characterization of certain actions taken by
17 the Bureau, to which no response is required. The second sentence consists of Plaintiffs'
18 characterization of the Bureau's April 2015 Fair Lending Report, which is cited at footnote 5 of
19 the Amended Complaint. To the extent that a response is required, Defendants refer this Court to
20 the text of the Report for a full and accurate statement of its contents. Defendants deny any
21 allegations that are inconsistent with its contents.

22 28. This paragraph consists of Plaintiffs' characterization of the Bureau's Spring 2016
23 Unified Agenda: Business Lending Data (Regulation B), which is cited at footnote 6 of the
24 Amended Complaint. To the extent that a response is required, Defendants refer this Court to the
25 text of that portion of the Unified Agenda for a full and accurate statement of its contents.
26 Defendants deny any allegations that are inconsistent with its contents.

27 29. The first sentence of this paragraph consists of Plaintiffs' characterization of certain
28 actions taken by the Bureau, to which no response is required. Defendants admit the second

1 sentence. Defendants lack knowledge or information sufficient to form a belief as to the
2 allegations of the third sentence of this paragraph.

3 30. This paragraph consists of Plaintiffs' characterization of the Bureau's May 2017
4 Request for Information Regarding the Small Business Lending Market, which is cited at
5 footnote 7 of the Amended Complaint. To the extent that a response is required, Defendants refer
6 this Court to the text of the Request for Information for a full and accurate statement of its
7 contents. Defendants deny any allegations that are inconsistent with its contents.

8 31. This paragraph consists of Plaintiffs' characterization of portions of the Bureau's
9 May 2017 Request for Information Regarding the Small Business Lending Market. Those
10 portions are cited at footnote 8 of the Amended Complaint. To the extent that a response is
11 required, Defendants refer this Court to the text of the Request for Information for a full and
12 accurate statement of its contents. Defendants deny any allegations that are inconsistent with its
13 contents.

14 32. Defendants admit that they received 2709 comments, but note that there were only
15 713 unique comments.

16 33. This paragraph consists of Plaintiffs' characterization of certain comments received
17 by the Bureau in response to its May 2017 Request for Information Regarding the Small
18 Business Lending Market. Those comments are set forth at [https://www.regulations.gov/
19 docket?D=CFPB-2017-0011](https://www.regulations.gov/docket?D=CFPB-2017-0011). To the extent that a response is required, Defendants refer this
20 Court to the text of the comments for a full and accurate statement of their contents. Defendants
21 deny any allegations regarding the text of the comments that are inconsistent with the actual text
22 of those comments.

23 34. The first sentence of this paragraph consists of Plaintiffs' characterization of certain
24 comments received by the Bureau in response to its May 2017 Request for Information
25 Regarding the Small Business Lending Market. Those comments are set forth at
26 <https://www.regulations.gov/docket?D=CFPB-2017-0011>. To the extent that a response is
27 required, Defendants refer this Court to the text of the comments for a full and accurate
28 statement of their contents. Defendants deny any allegations regarding the comments' contents

1 that are inconsistent with the text of those comments. The second sentence of this paragraph
2 refers to a document that was apparently cited by Plaintiff CRC in a comment that it submitted in
3 response to the May 2017 Request for Information. To the extent that a response is required with
4 respect to the contents of that document, Defendants refer this Court to the text of the document
5 for a full and accurate statement of its contents. Defendants deny any allegations regarding the
6 text of the document that are inconsistent with the actual text of the document. Defendants lack
7 knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations
8 with respect to CRC's participation in the production of the cited document, and so deny the
9 allegations.

10 35. This paragraph consists of Plaintiffs' characterization of the Bureau's report, *Key*
11 *Dimensions of the Small Business Lending Landscape*, which is cited at footnote 1 of the
12 Amended Complaint. To the extent that a response is required, Defendants refer this Court to the
13 text of the report for a full and accurate statement of its contents. Defendants deny any
14 allegations that are inconsistent with its contents.

15 36. This paragraph consists of Plaintiffs' characterization of facts. To the extent that a
16 response is required, Defendants deny.

17 37. Deny.

18 38. Defendants deny the first sentence of this paragraph, but admit that the Bureau did
19 not reappoint the members of the Consumer Advisory Board whose terms expired in August
20 2018. Defendants deny the second sentence, but admit that in June 2017, Plaintiff California
21 Reinvestment Coalition's Executive Director made a presentation to the Consumer Advisory
22 Board that focused on trends in small business lending in which she indicated support for a rule
23 pursuant to section 1071.

24 39. This paragraph consists of Plaintiffs' characterization of the Bureau's Fall 2017,
25 Spring 2018, and Fall 2018 Unified Agendas. Those agendas are set forth at [https://www.](https://www.consumerfinance.gov/policy-compliance/rulemaking/regulatory-agenda/)
26 [consumerfinance.gov/policy-compliance/rulemaking/regulatory-agenda/](https://www.consumerfinance.gov/policy-compliance/rulemaking/regulatory-agenda/). To the extent that a
27 response is required, Defendants refer this Court to the text of the agendas for a full and accurate
28

1 statement of their contents. Defendants deny any allegations that are inconsistent with their
2 contents.

3 40. This paragraph consists of Plaintiffs' characterization of an October 2018 blog
4 posting by Kelly Cochran, which is cited at footnote 13 of the Amended Complaint. To the
5 extent that a response is required, Defendants refer this Court to the text of the agendas referred
6 to in that blog for a full and accurate statement of their contents. Defendants deny any allegations
7 that are inconsistent with their contents.

8 41. The first sentence of this paragraph contains conclusions of law, to which no response
9 is required. Defendants admit the second sentence of this paragraph. The remainder of this
10 paragraph consists of argument, to which no response is required.

11 42. This paragraph consists of argument to which no response is required.

12 43. This paragraph consists of Plaintiffs' characterization of a spring 2019 blog posting
13 by Diane Thompson, which is cited at footnote 16 of the Amended Complaint. To the extent that
14 a response is required, Defendants refer this Court to the text of the agendas referred to in that
15 blog for a full and accurate statement of their contents. Defendants deny any allegations that are
16 inconsistent with their contents.

17 44. This paragraph consists of speculation regarding the impact of rules promulgated
18 pursuant to section 1071, to which no answer is required. To the extent that an answer is
19 required, Defendants deny.

20 45. Defendants lack knowledge or information sufficient to form a belief as to the truth or
21 accuracy of the allegations in the first two sentences of this paragraph, and so deny the
22 allegations. The third and fourth sentences of this paragraph consist of Plaintiffs'
23 characterization of portions of the Bureau's report, *Key Dimensions of the Small Business*
24 *Lending Landscape*, which is cited at footnote 1 of the Amended Complaint. To the extent that a
25 response is required, Defendants refer this Court to the text of the report for a full and accurate
26 statement of its contents. Defendants deny any allegations that are inconsistent with its contents.

27 46. This paragraph consists of Plaintiffs' characterization of Plaintiffs' report,
28 *Displacement, Discrimination, and Determination: Small Business Owners Struggle to Access*

1 *Affordable Credit*, which is cited at footnote 19 of the Amended Complaint. To the extent that a
2 response is required, Defendants refer this Court to the text of the report for a full and accurate
3 statement of its contents. Defendants lack knowledge or information with respect to the truth or
4 accuracy of the Report's contents, and so deny the allegations.

5 47. The first sentence of this paragraph consists of Plaintiffs' characterization of a portion
6 of section 1071(a) (which is codified at 15 U.S.C. § 1691c-2(a)) to which no response is
7 required. Defendants refer this Court to the text of that section for its true and complete
8 contents, and deny the allegations of this paragraph to the extent they are inconsistent with the
9 full text of the section. The second and third sentences of this paragraph consist of speculation
10 regarding the impact of rules promulgated pursuant to section 1071, to which no answer is
11 required. To the extent that an answer is required, Defendants deny.

12 48. Defendants lack knowledge or information sufficient to form a belief as to the truth or
13 accuracy of the allegations in the first two sentences of this paragraph, and so deny the
14 allegations. The third and fourth sentences of this paragraph consist of speculation regarding the
15 impact of rules promulgated pursuant to section 1071, to which no answer is required. To the
16 extent that an answer is required, Defendants deny.

17 49. Defendants lack knowledge or information sufficient to form a belief as to the truth or
18 accuracy of the allegations in this paragraph, and so deny the allegations.

19 50. This paragraph consists of speculation regarding the impact of rules promulgated
20 pursuant to section 1071, to which no answer is required. To the extent that an answer is
21 required, Defendants deny.

22 51. The first sentence of this paragraph consists of speculation regarding the impact of
23 rules promulgated pursuant to section 1071, to which no answer is required. To the extent that an
24 answer is required, Defendants deny. Defendants lack knowledge or information sufficient to
25 form a belief as to the truth or accuracy of the allegations concerning Plaintiff CRC and its
26 members in the second sentence of this paragraph, and so deny the allegations. Defendants deny
27 the allegations concerning the Bureau in the second sentence of this paragraph.
28

1 52. Defendants lack knowledge or information sufficient to form a belief as to the truth or
2 accuracy of the allegations in the first sentence of this paragraph, and so deny the allegations.
3 Defendants lack knowledge or information sufficient to form a belief as to the truth or accuracy
4 of the allegations in second sentence of this paragraph, and so deny the allegations, but admit
5 that Plaintiffs have supported the Bureau's efforts to implement section 1071. Defendants deny
6 the third sentence of this paragraph.

7 53. This paragraph consists of speculation regarding the impact of rules promulgated
8 pursuant to section 1071, to which no answer is required. To the extent that an answer is
9 required, Defendants deny. This paragraph also contains allegations regarding actions that
10 Plaintiff CRC's members are presently able to take. Defendants lack knowledge or information
11 sufficient to form a belief as to the truth or accuracy of these allegations, and so deny the
12 allegations.

13 54. Defendants lack knowledge or information sufficient to form a belief as to the truth or
14 accuracy of the allegations in the first two sentences of this paragraph, and so deny the
15 allegations. The third sentence of this paragraph consists of speculation regarding the impact of
16 rules promulgated pursuant to section 1071, to which no answer is required. To the extent that an
17 answer is required, Defendants deny.

18 55. Defendants lack knowledge or information sufficient to form a belief as to the truth or
19 accuracy of the allegations in this paragraph, and so deny the allegations.

20 56. Defendants lack knowledge or information sufficient to form a belief as to the truth or
21 accuracy of the allegations in this paragraph, and so deny the allegations.

22 57. Defendants lack knowledge or information sufficient to form a belief as to the truth or
23 accuracy of the allegations in this paragraph, and so deny the allegations.

24 58. Defendants lack knowledge or information sufficient to form a belief as to the truth or
25 accuracy of the allegations in this paragraph, and so deny the allegations.

26 59. Defendants lack knowledge or information sufficient to form a belief as to the truth or
27 accuracy of the allegations in this paragraph, and so deny the allegations.
28

1 60. This paragraph consists of speculation regarding the impact of rules promulgated
2 pursuant to section 1071, to which no answer is required. To the extent that an answer is
3 required, Defendants deny.

4 61. Defendants lack knowledge or information sufficient to form a belief as to the truth or
5 accuracy of the allegations in this paragraph, and so deny the allegations.

6 62. This paragraph consists of speculation regarding the impact of rules promulgated
7 pursuant to section 1071, to which no answer is required. To the extent that an answer is
8 required, Defendants deny.

9 63. Defendants lack knowledge or information sufficient to form a belief as to the truth or
10 accuracy of the allegations in this paragraph, and so deny the allegations.

11 64. This paragraph consists of speculation regarding the impact of rules promulgated
12 pursuant to section 1071, to which no answer is required. To the extent that an answer is
13 required, Defendants deny. This paragraph also contains allegations regarding actions that
14 Plaintiff CRC's members are presently able to take. Defendants lack knowledge or information
15 sufficient to form a belief as to the truth or accuracy of these allegations, and so deny the
16 allegations.

17 65. Defendants lack knowledge or information sufficient to form a belief as to the truth or
18 accuracy of the allegations in this paragraph, and so deny the allegations.

19 66. Defendants lack knowledge or information sufficient to form a belief as to the truth or
20 accuracy of the allegations in this paragraph, and so deny the allegations.

21 67. Defendants lack knowledge or information sufficient to form a belief as to the truth or
22 accuracy of this paragraph, and so deny the allegations.

23 68. Defendants lack knowledge or information sufficient to form a belief as to the truth or
24 accuracy of the allegations in this paragraph, and so deny the allegations.

25 69. Defendants lack knowledge or information sufficient to form a belief as to the truth or
26 accuracy of the allegations in this paragraph, and so deny the allegations.

27 70. Defendants lack knowledge or information sufficient to form a belief as to the truth or
28 accuracy of the allegations in this paragraph, and so deny the allegations.

1 71. Defendants lack knowledge or information sufficient to form a belief as to the truth or
2 accuracy of the allegations in this paragraph, and so deny the allegations.

3 72. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
4 response is required. Defendants refer this Court to the text of that section for its true and
5 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
6 with the full text of that section.

7 73. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
8 response is required. Defendants refer this Court to the text of that section for its true and
9 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
10 with the full text of that section.

11 74. This paragraph consists of speculation regarding the impact of rules promulgated
12 pursuant to section 1071, to which no answer is required. To the extent that an answer is
13 required, Defendants deny.

14 75. Defendants lack knowledge or information sufficient to form a belief as to the truth or
15 accuracy of the allegations in this paragraph, and so deny the allegations.

16 76. Defendants lack knowledge or information sufficient to form a belief as to the truth or
17 accuracy of the allegations in this paragraph, and so deny the allegations.

18 77. This paragraph consists of Plaintiffs' characterization of a study published in USA
19 Today, which is cited at footnote 20 of the Amended Complaint. To the extent that a response is
20 required, Defendants refer this Court to the text of the Study for a full and accurate statement of
21 its contents. Defendants lack knowledge or information with respect to the truth or accuracy of
22 the allegations regarding the Study's findings or contents, and so deny the allegations.

23 78. The first sentence of this paragraph consists of Plaintiffs' characterization of a study
24 published in USA Today, which is cited at footnote 20 of the Amended Complaint. To the extent
25 that a response is required, Defendants refer this Court to the text of the Study for a full and
26 accurate statement of its contents. Defendants lack knowledge or information with respect to the
27 truth or accuracy of the allegations regarding the Study's findings or contents, and so deny the
28 allegations. The second sentence of this paragraph consists of speculation regarding the impact

1 of rules promulgated pursuant to section 1071, to which no answer is required. To the extent that
2 an answer is required, Defendants deny.

3 79. Defendants lack knowledge or information sufficient to form a belief as to the truth or
4 accuracy of allegations in the first sentence of this this paragraph, and so deny the allegations.
5 Defendants lack knowledge or information sufficient to form a belief as to the truth or accuracy
6 of the facts alleged in the second sentence of this paragraph, and so deny the allegations. The
7 second sentence also includes Plaintiffs' characterization of section 1071, to which no response
8 is required. Defendants refer this Court to the text of that section for its true and complete
9 contents, and deny the allegations of this sentence to the extent they are inconsistent with the full
10 text of that section.

11 80. Defendants lack knowledge or information sufficient to form a belief as to the truth or
12 accuracy of the allegations in this paragraph, and so deny the allegations.

13 81. Defendants lack knowledge or information sufficient to form a belief as to the truth or
14 accuracy of the allegations in this paragraph, and so deny the allegations.

15 82. Defendants lack knowledge or information sufficient to form a belief as to the truth or
16 accuracy of the allegations in this paragraph, and so deny the allegations.

17 83. Defendants lack knowledge or information sufficient to form a belief as to the truth or
18 accuracy of the allegations in this paragraph, and so deny the allegations.

19 84. Defendants lack knowledge or information sufficient to form a belief as to the truth or
20 accuracy of the allegations in this paragraph, and so deny the allegations.

21 85. Defendants lack knowledge or information sufficient to form a belief as to the truth or
22 accuracy of the allegations in this paragraph, and so deny the allegations.

23 86. Defendants lack knowledge or information sufficient to form a belief as to the truth or
24 accuracy of the allegations in this paragraph, and so deny the allegations.

25 87. Defendants lack knowledge or information sufficient to form a belief as to the truth or
26 accuracy of the allegations in this paragraph, and so deny the allegations.

27 88. Defendants lack knowledge or information sufficient to form a belief as to the truth or
28 accuracy of the allegations in this paragraph, and so deny the allegations.

1 89. Defendants lack knowledge or information sufficient to form a belief as to the truth or
2 accuracy of the allegations in this paragraph, and so deny the allegations.

3 90. Defendants lack knowledge or information sufficient to form a belief as to the truth or
4 accuracy of the allegations in this paragraph, and so deny the allegations.

5 91. Defendants lack knowledge or information sufficient to form a belief as to the truth or
6 accuracy of the allegations in this paragraph, and so deny the allegations.

7 92. This paragraph consists of speculation regarding the impact of rules promulgated
8 pursuant to section 1071, to which no answer is required. To the extent that an answer is
9 required, Defendants deny.

10 93. This paragraph consists of speculation regarding the impact of rules promulgated
11 pursuant to section 1071, to which no answer is required. To the extent that an answer is
12 required, Defendants deny.

13 94. Defendants repeat and reallege the responses made in paragraphs 1-93.

14 95. This paragraph consists of Plaintiff's characterization of 5 U.S.C. § 706(1), to which
15 no response is required. Defendants refer this Court to the text of that section for its true and
16 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
17 with the full text of the section.

18 96. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
19 response is required. Defendants refer this Court to the text of that section for its true and
20 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
21 with the full text of the section.

22 97. Deny.

23 98. Defendants repeat and reallege the responses made in paragraphs 1-97.

24 99. This paragraph consists of Plaintiffs' characterization of 5 U.S.C. §§ 706(2)(A), (C),
25 to which no response is required. Defendants refer this Court to the text of those sections for
26 their true and complete contents, and deny the allegations of this paragraph to the extent they are
27 inconsistent with the full text of those sections.

1 100. This paragraph consists of Plaintiffs' characterization of section 1071, to which no
2 response is required. Defendants refer this Court to the text of that section for its true and
3 complete contents, and deny the allegations of this paragraph to the extent they are inconsistent
4 with the full text of the section.

5 101. Deny.

6 102. Deny.

7 103. Deny.

8 The remainder of the Complaint consists of Plaintiffs' Prayer for Relief, to which no
9 response is required, but if an answer is required, Defendants deny that Plaintiffs are entitled to
10 any relief.

11 WHEREFORE, Defendants request that:

12 1) The claims against Defendants be dismissed with prejudice, and that Plaintiffs are
13 granted no relief.

14 2) The Defendants be awarded their costs, and such other relief to which they are entitled.

1 Dated: July 23, 2019

2 Respectfully submitted,
3 MARY McLEOD
4 General Counsel

5 JOHN R. COLEMAN
6 Deputy General Counsel

7 LAURA M. HUSSAIN
8 Assistant General Counsel

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