

October 29, 2019

VIA CM/ECF

Lyle W. Cayce
Clerk of the Court
U.S. Court of Appeals for the Fifth Circuit
F. Edward Herbert Building
600 S. Maestri Place
New Orleans, LA 70130

Re: *Consumer Fin. Prot. Bureau v. All American Check Cashing, et al.*,
No. 18-60302

Dear Mr. Cayce:

On March 12, 2019, this Court heard oral argument in the above-captioned case. On September 10, 2019, the Court ordered supplemental briefing addressing what action the Court should take in light of *Collins v. Mnuchin*, 938 F.3d 553 (5th Cir. 2019) (en banc). Doc. 515112295.¹ The supplemental briefing was completed on October 24, 2019. On October 25, 2019, the Court entered an order calendaring a second oral argument in this case for December 4, 2019. *See* Doc. 515174795.

Appellants All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray (collectively, “All American”), and appellee Consumer Financial Protection Bureau (“CFPB”) jointly and respectfully request clarification regarding the scope of the issues to be addressed at the December 4 oral argument. For instance, if the Court could advise whether argument will focus solely on the issues addressed in the supplemental briefs regarding the impact of *Collins* on severance and remedies, or whether the Court is also interested in

¹ During the supplemental briefing period, the CFPB informed this Court that it will no longer defend the constitutionality of the for-cause removal provision, All American petitioned the Supreme Court for a writ of certiorari before judgment, and the Supreme Court granted certiorari in *Seila Law LLC v. CFPB*, No. 19-7 (U.S.). The two questions presented to the Court in *Seila Law* are 1) Whether the vesting of substantial executive authority in the Consumer Financial Protection Bureau, an independent agency led by a single director, violates the separation of powers?; and 2) If the Consumer Financial Protection Bureau is found unconstitutional on the basis of the separation of powers, can 12 U.S.C. § 5491(c)(3) be severed from the Dodd-Frank Act?

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addressing the merits of the constitutionality of the CFPB's structure, that would be of great benefit to the parties in preparing for argument in order to be as helpful to the Court as possible.

For these reasons, the parties jointly and respectfully request that the Court enter an order clarifying the scope of the December 4 oral argument.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on October 29, 2019, an electronic copy of the foregoing was filed with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system on the following parties:

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