

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CONSUMER FINANCIAL PROTECTION  
BUREAU**

**PLAINTIFF**

**V.**

**Civil No. 3:16-cv-356-DPJ-BWR**

**ALL AMERICAN CHECK CASHING,  
INC., MID-STATE FINANCE, INC., and  
MICHAEL E. GRAY**

**DEFENDANTS**

**ORDER**

This case is before the Court *sua sponte* following the settlement conference conducted on September 7, 2022. The matter did not settle. The Court will notice a telephonic conference to continue settlement discussions.

On March 29, 2018, United States District Judge William H. Barbour, Jr., entered an [241] Order holding in abeyance the [197] Motion in Limine to Exclude Expert Testimony of Jessica Choplin, Ph.D., and [201] Motion for Summary Judgment, pending the United States Court of Appeals for the Fifth Circuit's resolution of the interlocutory appeal. On the same day, Judge Barbour terminated both motions.

On May 2, 2022, the Fifth Circuit, sitting en banc, vacated the interlocutory order denying judgment on the pleadings and remanded this matter for further proceedings. *CFPB v. All American Check Cashing, Inc.*, 33 F.4th 218, 219-20 (5th Cir. 2022). Because Judge Barbour terminated the aforementioned motions, the parties must re-file their motions if they wish for the Court to consider them.

However, the Court is aware of the pending appeal in *Community Financial Services Association of America v. Consumer Financial Protection Bureau*. See Civ.

No. 21-50826. A Fifth Circuit panel heard oral arguments on May 9, 2020, and the case is now awaiting a decision from that panel. Because that case presents similar issues to those raised in the present case, the parties shall wait to re-file any motions until the Fifth Circuit issues a decision in *Community Financial Services Association of America*.

**SO ORDERED**, the 9th day of September 2022.

*s/ Bradley W. Rath*

HONORABLE BRADLEY W. RATH  
UNITED STATES MAGISTRATE JUDGE