

CASE NO. 24-10248

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA;
FORT WORTH CHAMBER OF COMMERCE; LONGVIEW CHAMBER OF
COMMERCE; AMERICAN BANKERS ASSOCIATION; CONSUMER
BANKERS ASSOCIATION; TEXAS ASSOCIATION OF BUSINESS,
Plaintiffs – Appellants

v.

CONSUMER FINANCIAL PROTECTION BUREAU; ROHIT CHOPRA, in his
official capacity as Director of the Consumer Financial Protection Bureau ,
Defendants – Appellees.

*On Appeal from the United States District Court for the
Northern District of Texas, Fort Worth Division*

**APPELLANTS' UPDATED NOTICE AND EMERGENCY MOTION FOR
ADMINISTRATIVE STAY OF DISTRICT COURT'S TRANSFER ORDER**

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STATES OF AMERICA***

Plaintiffs, the Chamber of Commerce of the United States of America, Fort Worth Chamber of Commerce, Longview Chamber of Commerce, American Bankers Association, Consumer Bankers Association, and Texas Association of Business, respectfully submit this notice regarding an order issued today by the district court concerning the preliminary injunction hearing that the district court set two days ago and that Plaintiffs previously described to this Court. At the close of business today, the district court issued an order granting Defendants' motion to transfer this case to the U.S. District Court for the District of Columbia. *See* Att. 1.

Notwithstanding Plaintiffs' request that the district court stay any such ruling so that Plaintiffs could seek this Court's review of such a transfer in a timely fashion, *see* App. 379 (Plaintiffs' request for stay), the district court then immediately transferred and closed the case. Consequently, it appears that there will not be a hearing on Plaintiffs' motion for a preliminary injunction next week in Fort Worth. Plaintiffs respectfully request that this Court maintain its existing briefing schedule regarding Plaintiffs' emergency motion for an injunction pending appeal and administrative stay regarding the effective denial of their motion for a preliminary injunction.

In addition, Plaintiffs move on an emergency basis that this Court issue a stay of the district court's transfer order to eliminate any ambiguity as to whether this Court retains jurisdiction over that order while Plaintiffs prepare a petition for a writ

of mandamus, and to ensure that this Court is able to give meaningful relief in this appeal. *See In re Space Exploration Technologies, Corp.*, No. 24-40103 (Feb. 26, 2024) (unpublished order, per curiam) (observing that this Court entered stay of transfer order and appellate court is not stripped of jurisdiction to consider mandamus relief with respect to transfer order until the transferee court docket the case) (*see* Attachment 2); *In re Space Exploration Technologies, Corp.*, No. 24-40103, 2024 WL 948321 (Mar. 5, 2024) (Elrod, J., dissenting) (“Because the stay was entered before transfer of the case was complete, we confirmed that we retained jurisdiction over the case”). Plaintiffs respectfully ask for a ruling before the U.S. District Court for the District of Columbia docket the case, which could be as early as the opening of business tomorrow morning, and thus Plaintiffs respectfully request a ruling by 10 am.

Dated: March 28, 2024

Respectfully submitted,

/s/ Michael Murray

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 25(d) and 5th Cir. R. 25.2.5, I hereby certify that on March 28, 2024, I filed foregoing motion via the Court's CM/ECF system and also caused the foregoing to be served by email on the following counsel for Defendants-Appellees:

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/s/ Michael Murray
Michael Murray

Attorney for Appellants

CERTIFICATE OF CONFERENCE

I hereby certify that on March 28, 2024, Michael Murray, counsel for Appellants, attempted to confer via e-mail with Stephanie Garlock, counsel for Appellees, about the foregoing motion, but was unable to reach her likely in light of the hour.

/s/ Michael Murray
Michael Murray

Attorney for Appellants

**CERTIFICATE OF COMPLIANCE WITH
TYPEFACE REQUIREMENTS AND TYPE-STYLE REQUIREMENTS**

This document complies with the word limit of Fed. R. App. P. 27(d)(2)(a). It also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and 5th Cir. R. 32.1 and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font. Additionally, I certify that any required redactions have been made in compliance with 5th Cir. R. 25.2.13. I certify that the facts supporting emergency consideration of the motion are true and complete. I certify that the facts supporting emergency consideration of the motion are true and complete.

Dated: March 28, 2024

/s/ Michael Murray
Michael Murray

Attorney for Appellants