

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING)	RESPONDENTS' MOTION
File No. 2015-CFPB-0029)	FOR LEAVE TO AMEND
)	RESPONDENTS' CONTROVERTED
In the matter of:)	ISSUES OF FACT
)	
INTEGRITY ADVANCE, LLC and)	
JAMES R. CARNES)	
)	

**RESPONDENTS' MOTION FOR LEAVE TO AMEND RESPONDENTS'
LIST OF CONTROVERTED ISSUES OF FACT**

Respondents respectfully request leave to amend their March 23, 2016 List of Controverted Issues of Fact, filed in response to this Court's March 9, 2016 Order Directing Parties to Meet and Confer for the Purpose of Entering Into Joint Stipulations of Fact ("Order"). It has come to Respondents' attention that certain of the Consumer Financial Protection Bureau's ("CFPB" or "Bureau") proposed statements of fact disclose and/or contain information that could lead to the disclosure of Respondent James R. Carnes's personal financial information, in contravention of the parties December 23, 2015 Joint Stipulated Motion for a Protective Order ("Mot. for Prot. Order). Per the stipulated motion, "Enforcement Staff [did] not anticipate filing documents that would disclose Respondent James R. Carnes's personal financial information" at the time of the original protective order, leaving for a future date negotiations regarding an "amendment governing the treatment of James R. Carnes's personal financial

information”— which the parties intended to negotiate by March 1, 2016.¹ Mot. for Prot. Order at 1. Parties have not, to date, negotiated an amendment to the protective order, as Respondents, at least, had no expectation that the Bureau would—at this juncture—seek to impermissibly put into the record Mr. Carnes’s personal financial information. Indeed, the Court has not yet ruled on Respondents’ Motion to Dismiss, nor does the schedule otherwise require that the parties submit filings that would necessarily include personal financial information.

This Court’s December 29, 2015 Order Granting Joint Stipulated Motion for a Protective Order ordered that “the parties may seek to amend this Stipulated Protective Order via motion, particularly in light of any anticipated disclosure of Respondent James R. Carnes’s personal financial information, as indicated in the parties’ Joint Motion.” The Bureau’s proposed statements of fact contain such information that either discloses or could potentially lead to the disclosure of personal financial information. This information should not be made publically available at this juncture, if ever. This is especially true because here, the Bureau’s proposed statements of fact filed with the Court and subsequent “justifications” in support of those proposed stipulations exceed the stated scope of the Court’s March 9 Order.

Respondents respectfully request that the Court accept Respondents’ original filing, updated as a filing “under seal” (Attachment A hereto) and accept as Respondents’ public filing a redacted version of Respondents’ List of Controverted Issues of Fact [Redacted] (Attachment B hereto), which obscures the relevant proposed statements of fact to which Respondents’ do not

¹ Counsel for Respondents conferred with the Bureau, regrettably, to no avail. Indeed, counsel for the Bureau, Mr. Wheeler, informed the undersigned counsel that the Bureau was unclear as to what the term “personal financial information” means and that, notwithstanding its original negotiations memorialized in the parties’ joint motion filing the protective order—the Bureau does not view its disclosures as impermissible in this instance.

stipulate. Respondents also request that the Bureau follow suit, and redact all financial information that concerns—in any way—Mr. Carnes, per the parties’ original agreement.

Respectfully submitted,

Dated: March 24, 2016

By: Allyson B. Baker

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CERTIFICATION OF SERVICE

I hereby certify that on the 24th day of March 2016, I caused a copy of the foregoing Answer to be filed by electronic transmission (e-mail) with the U.S. Coast Guard Hearing Docket Clerk (aljdocketcenter@uscg.mil), Heather L. MacClintock (Heather.L.MacClintock@uscg.mil) and Administrative Law Judge Parlen L. McKenna (cindy.j.melendres@uscg.mil), and served by electronic mail on the following parties who have consented to electronic service:

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