

**UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU**

ADMINISTRATIVE PROCEEDING

File No. 2015-CFPB-0029

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In the Matter of:) **MOTION TO WITHDRAW
COUNT IV**
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INTEGRITY ADVANCE, LLC and)
JAMES R. CARNES,)
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Respondents.)
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MOTION TO WITHDRAW COUNT IV

In a July 1, 2016 order, the Administrative Law Judge ruled that Respondent Integrity Advance violated the Truth in Lending Act, the Electronic Fund Transfer Act, and found that Integrity Advance's loan agreement was facially deceptive. The consumer harm caused by the deceptive loan agreement is co-extensive with the harm Enforcement Counsel would allege in continuing to assert the Count IV unfairness claim. Hence, in the interests of judicial economy and narrowing the issues for trial, Enforcement Counsel hereby submits this motion seeking to withdraw Count IV of the Notice of Charges.

On July 7, Enforcement Counsel asked Respondents whether they would stipulate to the withdrawal of Count IV. On July 8, Respondents stated that they would not stipulate because they intend to offer evidence and argument at trial that the Administrative Law Judge's findings

of fact and conclusions of law contained in the order granting partial summary disposition in favor of the Bureau were not correct. Enforcement Counsel intends to file a separate motion in limine to preclude Respondents from relitigating at trial issues decided by the Administrative Law Judge in his order granting partial summary disposition. And in any case, Respondents' desire to relitigate these issues does not justify denying the instant motion.

Given that trial is set to begin on July 19, Enforcement Counsel respectfully requests that the Administrative Law Judge sets an expedited briefing schedule pursuant to 12 C.F.R. § 1081.205(d).

Respectfully submitted,

Attorneys for Plaintiff
Consumer Financial Protection Bureau

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Enforcement Counsel

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July 2016, I caused a copy of the foregoing Motion to Withdraw Count IV to be filed by electronic transmission (e-mail) with the Office of Administrative Adjudication (CFPB_electronic_filings@cfpb.gov), the U.S. Coast Guard Hearing Docket Clerk (aljdocketcenter@uscg.mil), Administrative Law Judge Parlen L. McKenna (cindy.j.melendres@uscg.mil), Heather L. MacClintock (Heather.L.MacClintock@uscg.mil), and served by email on the Respondents' counsel at the following addresses:

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/s/ Alusheyi J. Wheeler
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