

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING)	RESPONDENTS' RESPONSE IN
File No. 2015-CFPB-0029)	OPPOSITION TO ENFORCEMENT
)	COUNSEL'S MOTION FOR LEAVE
In the matter of:)	TO FILE SUR-REPLY
)	
INTEGRITY ADVANCE, LLC and)	
JAMES R. CARNES)	
)	

**RESPONDENTS' RESPONSE IN OPPOSITION TO
ENFORCEMENT COUNSEL'S MOTION FOR LEAVE TO FILE SUR-REPLY ON
RESPONDENTS' MOTION TO STRIKE**

Contrary to Enforcement Counsel's baseless contention, Respondents did not raise the issue of treating Enforcement Counsel's March 23 filing as a motion for summary disposition for the first time in their Reply.

In fact, in the Motion to Strike, Respondents stated that "the Bureau's filing appears to be little more than a backdoor way of untimely submitting materials that are not properly admitted into evidence or *otherwise appended to a motion for summary judgment.*" (Doc. No. 61 at 2) (emphasis added). The Bureau then responded in its Opposition that "[t]here is no distinction between the documents and arguments submitted in response to the March 9, 2016 Order and the documents and arguments that would be submitted in support of a motion for summary disposition." (Doc. No. 64 at 4). Respondents' Reply (Doc. No. 66), merely *replied to an argument raised in the Motion to which the Bureau had responded.* Thus, the authority cited by the Bureau in its Motion for Leave to File Sur-Reply is inapplicable.

Respondents' request stands and no further briefing is necessary. Either there truly is "no distinction" between the Bureau's "Justifications" and a motion for summary disposition (in which case the Court should accept the filing as such and afford Respondents an opportunity to respond) or the "Justifications" should be stricken as an improper and excessive response to the Court's March 9, 2016 Order.

For the reasons stated above, Respondents respectfully request that the Court deny Enforcement Counsel's Motion for Leave to File Sur-Reply.

Respectfully submitted,

Dated: April 15, 2016

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CERTIFICATION OF SERVICE

I hereby certify that on the 15th day of April, 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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