

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

_____)	
ADMINISTRATIVE PROCEEDING)	
File No. 2015-CFPB-0029)	
In the matter of:)	RESPONDENTS' MOTION FOR
)	PROPOSED SCHEDULING ORDER
INTEGRITY ADVANCE, LLC and)	
JAMES R. CARNES)	
_____)	

RESPONDENTS' MOTION FOR PROPOSED SCHEDULING ORDER

On December 9 and 11, 2015, the Court notified the parties in the above-captioned matter that a scheduling hearing would be held on December 14, 2015, pursuant to 12 C.F.R. § 1081.203. Pursuant to Rule 203, counsel for the parties held a telephonic conference on December 10, 2015 in an attempt to reach an agreement on a proposed schedule governing this action. On this call, Respondents' counsel voiced concern that the CFPB's proposed schedule placed the exchange of expert reports on January 4, 2016. Respondents received a draft proposed order on December 11, which contained the above referenced January 4, 2016 deadline for expert reports. The parties discussed scheduling again on December 14, but were unable to reach a consensus on all dates.

To date, the Bureau has not yet provided Respondents with a complete set of materials, including documents and statements, on which its case relies. It is required to make these disclosures expeditiously, pursuant to 12 C.F.R. §§ 1081.206, 207. This failure to disclose alone precludes Respondents from being able to prepare any expert reports by a contemplated deadline of January 4. Moreover, the Bureau's proposed schedule gives Respondents only two weeks to

prepare expert reports, and these two weeks coincide with two holidays. Finally, the Bureau's proposed schedule would require the expenditure of time and resources on expert reports before the Court has even received the parties' full briefing of the Respondents' motion to dismiss.

Respondents acknowledge the expediency provisions under the Rules, *see, e.g.*, 12 C.F.R. § 1081.101, and to this end, the Respondents propose a schedule that embraces expediency and efficiency while also providing a reasonable time to prepare expert reports. It also respects the Bureau's Enforcement Counsels' holiday schedules. Respondents' proposed schedule allows sufficient time to prepare any expert reports and also allows the parties to comply with any subsequent scheduling deadlines.

In light of the foregoing, and to assist the Court and facilitate the discussion during the scheduling hearing, Respondents hereby move for entry of the Proposed Scheduling Order included as Attachment A.

Respectfully submitted,

Dated: December 14, 2015

By: /s/ Allyson B. Baker
Allyson B. Baker, Esq.
Peter S. Frechette, Esq.
Hillary S. Profita, Esq.
VENABLE LLP
575 7th St. N.W.
Washington, D.C. 20004
(202) 344-4000

Attorneys for Respondents
Integrity Advance, LLC and James R. Carnes

CERTIFICATION OF SERVICE

I hereby certify that on the 14th day of December 2015, I caused a copy of the foregoing Unopposed Motion for Protective Order 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), and served by electronic mail on the following parties who have consented to electronic service:

Deborah Morris, Esq.
Deborah.Morris@cfpb.gov

Craig A. Cowie, Esq.
Craig.Cowie@cfpb.gov

Alusheyi J. Wheeler, Esq.
Alusheyi.Wheeler@cfpb.gov

Wendy J. Weinberg, Esq.
Wendy.Weinberg@cfpb.gov

Vivian W. Chum, Esq.
Vivian.Chum@cfpb.gov

/s/ Peter S. Frechette
Peter S. Frechette, Esq.