

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

**ADMINISTRATIVE PROCEEDING**  
**File No. 2015-CFPB-0029**

\_\_\_\_\_ )  
)  
**In the Matter of:** )

**MOTION TO WITHDRAW**  
**COUNT IV**

)  
)  
**INTEGRITY ADVANCE, LLC and** )  
**JAMES R. CARNES,** )

)  
)  
**Respondents.** )  
)  
\_\_\_\_\_ )

**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

ANTHONY ALEXIS  
Enforcement Director

DEBORAH MORRIS  
Deputy Enforcement Director

CRAIG COWIE  
Assistant Litigation Deputy

s/Alusheyi J. Wheeler

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Alusheyi J. Wheeler  
Wendy J. Weinberg  
Vivian W. Chum  
1700 G Street NW  
Washington, DC 20552  
Phone: (202) 435-7786  
Facsimile: (202) 435-7722  
Email: alusheyi.wheeler@cfpb.gov

*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:

Allyson B. Baker, Esq.  
ABBaker@venable.com

Danielle R. Foley, Esq.  
DRFoley@venable.com

Peter S. Frechette, Esq.  
PSFrechette@venable.com

Hillary S. Profita, Esq.  
HSProfita@venable.com

Joanna P. Boyd, Esq.  
JPBoyd@venable.com

Christine E. White, Esq.  
CEWhite@venable.com

Andrew T. Hernacki, Esq.  
ATHernacki@venable.com

/s/ Alusheyi J. Wheeler  
Alusheyi J. Wheeler