

## Wheeler, Alusheyi (CFPB)

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**From:** Wheeler, Alusheyi (CFPB)  
**Sent:** Friday, July 08, 2016 6:41 PM  
**To:** 'Baker, Allyson B.'; Weinberg, Wendy (CFPB); Hernacki, Andrew T.  
**Cc:** Chum, Vivian (CFPB); Frechette, Peter S.; Cowie, Craig (CFPB)  
**Subject:** RE: Integrity Advance- Count IV

Allyson,

Thank you for your response. While I understand your position regarding what was said on this morning's call, your response still does not address whether Respondents intend at trial to present evidence to refute the ALJ's factual findings and legal conclusions.

**Alusheyi J. Wheeler**  
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**From:** Baker, Allyson B. [<mailto:ABBaker@Venable.com>]  
**Sent:** Friday, July 08, 2016 6:32 PM  
**To:** Wheeler, Alusheyi (CFPB); Weinberg, Wendy (CFPB); Hernacki, Andrew T.  
**Cc:** Chum, Vivian (CFPB); Frechette, Peter S.; Cowie, Craig (CFPB)  
**Subject:** RE: Integrity Advance- Count IV

Alusheyi: We did not say that on the call this morning; your characterization, as noted below, is not correct. Thank you. Allyson.

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**From:** Wheeler, Alusheyi (CFPB) [<mailto:Alusheyi.Wheeler@cfpb.gov>]  
**Sent:** Friday, July 08, 2016 6:25 PM  
**To:** Baker, Allyson B. <[ABBaker@Venable.com](mailto:ABBaker@Venable.com)>; Weinberg, Wendy (CFPB) <[Wendy.Weinberg@cfpb.gov](mailto:Wendy.Weinberg@cfpb.gov)>; Hernacki, Andrew T. <[ATHernacki@Venable.com](mailto:ATHernacki@Venable.com)>  
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**Subject:** RE: Integrity Advance- Count IV

Allyson,

As stated below, our understanding from our call this morning was that Respondents disagreed with the ALJ's partial summary disposition order and intend to present evidence to refute the ALJ's factual findings and legal conclusions. If that is incorrect, please let us know. However, if that is your intention at trial, we intend to file a motion in limine to preclude such evidence.

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**From:** Baker, Allyson B. [<mailto:ABBaker@Venable.com>]  
**Sent:** Friday, July 08, 2016 6:15 PM  
**To:** Weinberg, Wendy (CFPB); Wheeler, Alusheyi (CFPB); Hernacki, Andrew T.  
**Cc:** Chum, Vivian (CFPB); Frechette, Peter S.; Cowie, Craig (CFPB)  
**Subject:** RE: Integrity Advance- Count IV

Wendy: We have produced our exhibit list and witness list to the Bureau. I am not sure I understand what else you are asking. I tried calling you and Alusheyi just now for clarification. Thanks. Allyson.

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**From:** Weinberg, Wendy (CFPB) [<mailto:Wendy.Weinberg@cfpb.gov>]  
**Sent:** Friday, July 08, 2016 5:47 PM  
**To:** Baker, Allyson B. <[ABBaker@Venable.com](mailto:ABBaker@Venable.com)>; Wheeler, Alusheyi (CFPB) <[Alusheyi.Wheeler@cfpb.gov](mailto:Alusheyi.Wheeler@cfpb.gov)>; Hernacki, Andrew T. <[ATHernacki@Venable.com](mailto:ATHernacki@Venable.com)>  
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**Subject:** RE: Integrity Advance- Count IV

Allyson

Thank you for the partial clarification. Would you please let us know as soon as possible whether you intend to present evidence and argument at trial to contest the findings and conclusions made by the ALJ in the July 1st order?

Thank you,

**Wendy J. Weinberg**  
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**From:** Baker, Allyson B. [<mailto:ABBaker@Venable.com>]  
**Sent:** Friday, July 08, 2016 5:33 PM  
**To:** Wheeler, Alusheyi (CFPB); Hernacki, Andrew T.  
**Cc:** Weinberg, Wendy (CFPB); Chum, Vivian (CFPB); Frechette, Peter S.  
**Subject:** RE: Integrity Advance- Count IV

We do not consent to withdrawal of Count IV; that is correct. I do not agree with the precise characterization of the way that you describe our reasoning, however. Thanks very much. Allyson.

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**From:** Wheeler, Alusheyi (CFPB) [<mailto:Alusheyi.Wheeler@cfpb.gov>]  
**Sent:** Friday, July 08, 2016 4:31 PM  
**To:** Baker, Allyson B. <[ABBaker@Venable.com](mailto:ABBaker@Venable.com)>; Hernacki, Andrew T. <[ATHernacki@Venable.com](mailto:ATHernacki@Venable.com)>  
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**Subject:** Integrity Advance- Count IV

Allyson,

Per our phone conversation earlier today, we understand that Respondents do not consent to the withdrawal of Count IV of the Notice of Charges because Respondents intend to present evidence and argument at trial to challenge the ALJ's findings and conclusions in the July 1 order granting partial summary disposition. Please let us know immediately if our understanding is not correct.

Thanks,

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