

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

In the Matter of:

Auto Cash Leasing, L.L.C.,
Respondent.

Administrative Proceeding
File No. 2016-CFPB-0017

MOTION TO EXTEND TIME TO ANSWER NOTICE OF CHARGES AND TO
HOLD SCHEDULING CONFERENCE

Respondent Auto Cash Leasing, L.L.C. (“Respondent” or “Auto Cash Leasing”) respectfully moves the Hearing Officer for an order (i) granting Respondent an extension of 14 days to answer the Notice of Charges (the “Notice”) filed by the Consumer Financial Protection Bureau (the “CFPB”), and (ii) extending the time for holding a scheduling conference by the corresponding 14 days. In support of its motion, Respondent submits as follows:

1. The CFPB filed the Notice in this matter on September 20, 2016.
2. The CFPB mailed the Notice via UPS Next Day Air to Respondent’s listed statutory agent Kevin Kinghorn, an estate planning attorney, at his *prior* law firm Morris Hall & Kinghorn PLLC (now known as Morris Hall) in Phoenix, Arizona. Morris Hall mailed the Notice to Mr. Kinghorn’s current firm Kinghorn Heritage Law Group, PLC in Tucson, Arizona. Mr. Kinghorn’s current firm received the Notice on September 28,

2016, and mailed it to the home residence of one of the principals of Respondent on October 3, 2016. It was received on Friday, October 7, 2016.

3. Respondent engaged undersigned counsel on the following Monday, October 10, 2016, a federally observed holiday.

4. On Tuesday, October 11, 2016, undersigned counsel telephoned Enforcement Counsel to notify the CFPB of the engagement, and to explain that by no later than Thursday, October 13, 2016 (after undersigned counsel's observance of Yom Kippur), Respondent would be filing a motion to extend the time to answer the complaint. The parties, through counsel, also began preliminary settlement discussions.

5. Pursuant to Sections 201 and 203 of the CFPB's Rules or Practice for Adjudication Proceedings, 12 C.F.R. § 1081, a Respondent's answer must be filed no later than 14 days after service of the Notice, and a scheduling conference must be held 20 days after service of the Notice. Therefore, Respondent's answer was due on or before October 5, 2016, and the scheduling conference was due to be held by October 11, 2016. Respondent seeks to briefly extend both of those deadlines.

6. The factors to consider in determining whether to grant an extension are set forth in 12 CFR § 1081.115. All of those factors weigh in favor of granting the requested extensions in this case: First, the proceeding has just begun; its "length" is short. Second, Respondent has not requested any extensions to date. Third, the proceedings are still at the pleading stage, and the parties already are engaged in settlement talks. The additional time will allow those talks to continue before expending the time and resources of the parties and the Hearing Officer on the furtherance of these proceedings. This is

particularly meaningful to Respondent, a small company sincerely interested in settlement. Fourth, a 14 day extension should not impact the Hearing Officer's ability to complete the proceeding within the time specified by 12 C.F.R. § 1081.400(a).

7. Counsel for Respondent conferred with Enforcement Counsel, who indicated that, while they believe Respondent was timely and properly served, they do not oppose the extensions requested herein in order to give the parties an opportunity to evaluate settlement options.

WHEREFORE, Respondent respectfully requests that (i) the period of time to respond to the Notice of Charges be extended to **October 27, 2016**, and (ii) the time within which to hold the scheduling conference be extended to **November 2, 2016**. A proposed form of order is lodged herewith.

DATED this 13th day of October, 2016.

Respectfully submitted,

By: /s/ Brian J. Schulman

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2016, I electronically transmitted the attached document with the Office of Administrative Adjudication (CFPB_electronic_filings@cfpb.gov) and served on the following parties who have consented to electronic service:

Rebecca Coleman, Esq.
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By: /s/ Amy L. Hershberger
Employee, Greenberg Traurig, LLP