

UNITED STATES OF AMERICA
Before the
BUREAU OF CONSUMER FINANCIAL PROTECTION

ADMINISTRATIVE PROCEEDING
File No. 2015-CFPB-0029

In the Matter of:

INTEGRITY ADVANCE, LLC and
JAMES R. CARNES,

Respondents.

)
) SCHEDULING ORDER FOR
) ISSUES IN RESPONDENTS'
) AUGUST 14, 2019 MOTION
)
)
)

On August 14, 2019, Respondents filed *Respondents' Motion to Open Record for a New Hearing* (Doc. 229) and accompanying memorandum of law (Doc. 229-A). In the memorandum, Respondents made several assertions:

1. That Respondents are entitled to a full new hearing rather than a de novo record review;
2. That a new hearing is required to allow Respondent, James Carnes, to present live testimony before me so that I can assess his credibility;
3. That recent developments in the area of statutes of limitations required supplemental development of the factual record;¹
4. That recent developments in the area of the impact of the advice of counsel and good faith on the appropriateness of ordering restitution required supplemental development of the factual record and that Respondents should potentially² be able to amend their answer to include an advice of counsel/good faith defense; and
5. That recent developments in the area of the appropriateness of restitution required supplemental development of the factual record.

Respondents presented arguments on all of these issues in their *Memorandum of Law*, but stated in footnote 3 that the memorandum did not, in fact, contain their full arguments.

¹ I have already resolved the issue regarding the applicability of statutes of limitations and development of the factual record on the statute of limitations issues. *See* Doc. 238, 249.

² In Document 229-A, it was unclear whether Respondents were, in fact, making a motion to amend their answer to include this defense. However, based upon the *Joint Proposed Schedule*, filed on February 6, 2020, it appears that Respondents are now seeking leave to amend their answer. Doc. 250 at 2.

In footnote 1 of *Respondents' Brief in Support of their Motion to Dismiss on Grounds Limited to February 7, 2020 Order* (Doc. 253), Respondents also stated that they reserve the right to raise any and all additional arguments in support of dismissal and/or summary disposition at the appropriate time.

I therefore order the parties to adhere to the following schedule. I will issue a schedule regarding motions for summary disposition at a later date.

ORDERS

1. RC will file Respondents' Motion to Amend Complaint, accompanying brief, any supplemental briefing on issues 1, 2, 4, and 5 above, and any other motions for dismissal and accompanying briefs no later than **March 26, 2020**.
2. EC will file their response brief no later than **April 9, 2020**.
3. RC will file their reply brief no later than **April 15, 2020**.

SO ORDERED this 13th day of March 2020.

Christine L.
Kirby

HON. CHRISTINE L. KIRBY
Administrative Law Judge

Digitally signed by Christine L. Kirby
Date: 2020.03.13 16:33:06 -04'00'

Signed and dated on this 13th day of March 2020
at Washington, D.C.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the *Scheduling Order for Issues in Respondents' August 14, 2019 Motion* upon the following parties and entities in Administrative Proceeding 2015-CFPB-0029 as indicated in the manner described below:

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Jameelah
Morgan

Digitally signed by
Jameelah Morgan
Date: 2020.03.13
16:35:50 -04'00'

Jameelah Morgan
Docket Clerk
Office of Administrative Adjudication
Bureau of Consumer Financial Protection

Signed and dated on this 13th day of March 2020
at Washington, D.C.