

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING
File No. 2015-CFPB-0029

In the Matter of:

INTEGRITY ADVANCE, LLC and
JAMES R. CARNES,

Respondents.

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) **RESPONDENTS' NOTICE**
) **REGARDING ORAL ARGUMENT**
) **AND INDEX OF EXHIBITS**
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RESPONDENTS' NOTICE REGARDING ORAL ARGUMENT
AND INDEX OF EXHIBITS

Pursuant to the Director's Order Scheduling Oral Argument (Dkt. 298), Respondents Integrity Advance, LLC and James R. Carnes ("Respondents") hereby provide notice that Richard J. Zack will be the attorney arguing on behalf of Respondents. Respondents also hereby submit a compilation of material to facilitate their presentation during oral argument. As required by the Order, the compilation contains only public information that is already in the record of this case. For ease of reference, Respondents identify each exhibit below.

- Exhibit A** Excerpts from the testimony of James R. Carnes at the July 19, 2016 hearing before ALJ Parlen L. McKenna (Dkt. 172)
- Exhibit B** Excerpts from the testimony of Edward Foster at the July 20, 2016 hearing before ALJ Parlen L. McKenna (Dkt. 173)
- Exhibit C** Excerpts from the testimony of Timothy Madsen at the July 19, 2016 hearing before ALJ Parlen L. McKenna (Dkt. 172)
- Exhibit D** A chart entitled "Integrity Advance Counts of Repeat Customers by Number of Loans" (entered into evidence as Exhibit RX-020 at the prior hearing in the above-captioned matter), and a chart entitled "Integrity Advance Repeat Customers Relative to All Customers" (entered into

evidence as Exhibit RX-021 at the prior hearing in the above-captioned matter)

- Exhibit E** Integrity Advance Loan Agreement templates (Dkt. 087A)
- Exhibit F** Excerpts from ALJ Christine L. Kirby's Recommended Decision (Dkt. 293)
- Exhibit G** Excerpts from Enforcement Counsel's Answering Appeal Brief (Dkt. 296)
- Exhibit H** Excerpts from ALJ Christine L. Kirby's Order Denying in Part Respondents' Motion to Open Record for a New Hearing (Dkt. 269)
- Exhibit I** Excerpts from ALJ Christine L. Kirby's Order Denying Respondents' Motion to Dismiss and/or for Summary Disposition on Grounds Limited to October 28, 2019 Order and Denying Respondents' Request for Additional Discovery (Dkt. 249)
- Exhibit J** Excerpts from the Office of Enforcement Policies and Procedures Manual (May 5, 2017, available at https://files.consumerfinance.gov/f/documents/201710_cfpb_enforcement-policies-and-procedures-memo_version-3.0.pdf), which were incorporated by reference in Respondents' Statement of Undisputed Facts in Support of their Motion to Dismiss and/or for Summary Disposition on Grounds Limited to October 28, 2019 Order (Dkt. 240)
- Exhibit K** Remarks delivered by Richard Cordray at the Payday Loan Field Hearing in Birmingham, AL (Jan. 19, 2012), which were incorporated by reference in Respondents' Statement of Undisputed Facts in Support of their Motion to Dismiss and/or for Summary Disposition on Grounds Limited to October 28, 2019 Order (Dkt. 240)
- Exhibit L** Memorandum of Understanding entered into by the CFPB and the Federal Trade Commission (Jan. 20, 2012), which was incorporated by reference in Respondents' Statement of Undisputed Facts in Support of their Motion to Dismiss and/or for Summary Disposition on Grounds Limited to October 28, 2019 Order (Dkt. 240)
- Exhibit M** Excerpts from a PDF produced by Enforcement Counsel showing a search for consumer complaints against Integrity Advance on March 29, 2012 (Dkt. 241-A)
- Exhibit N** Excerpts from a PDF produced by Enforcement Counsel showing a search for consumer complaints against Integrity Advance on August 14, 2012 (Dkt. 241-B)
- Exhibit O** Excerpts from the January 7, 2013 Civil Investigative Demand served on Integrity Advance, which were incorporated by reference in Respondents'

Statement of Undisputed Facts in Support of their Motion to Dismiss
and/or for Summary Disposition on Grounds Limited to October 28, 2019
Order (Dkt. 240)

Exhibit P Excerpts from Respondents' proposed subpoena to the CFPB for
production of documents on the statute of limitations issue (Dkt. 232A)

Exhibit Q Excerpts from ALJ Christine L. Kirby's Order Denying Further Discovery
on Statute of Limitations Issue (Dkt. 238)

Dated: November 30, 2020

Respectfully submitted,

/s/ Richard J. Zack

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of November 2020, I caused a copy of the foregoing Respondents' Notice Regarding Oral Argument and Index of Exhibits and the accompanying exhibits thereto to be filed by electronic transmission (email) with the Office of Administrative Adjudication (CFPB_electronic_filings@cfpb.gov), and served by email and first-class mail at the following addresses:

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