

[EN BANC ORAL ARGUMENT SCHEDULED FOR MAY 24, 2017]

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PHH CORPORATION, et al.,

Petitioners,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU,

Respondent.

No. 15-1177

**UNOPPOSED MOTION FOR LEAVE TO FILE UNITED STATES
AMICUS BRIEF BY MARCH 17, 2017**

This is a petition for review of agency action by the Consumer Financial Protection Bureau. On October 11, 2016, a panel of this Court granted the petition for review and vacated the Bureau's order, concluding, among other things, that the statute limiting the President's authority to remove the Bureau's Director was unconstitutional. Acting through its own attorneys, *see* 12 U.S.C. § 5564(b), the Bureau filed a rehearing petition. This Court invited the Solicitor General to file a brief expressing the views

of the United States, which was filed on December 22, 2016. On February 16, 2017, this Court granted rehearing en banc.

The opening brief of PHH Corp. is currently due on March 10, 2017; the Bureau's response is due March 31, 2017; and the reply brief is due April 10, 2017. Amicus briefs supporting PHH are due March 10, and amicus briefs supporting the Bureau are due March 31.

At the request of the Office of the Solicitor General, the United States hereby seeks leave to file an amicus brief no later than March 17, 2017. (Any amicus briefs filed by the United States in the courts of appeals require authorization by the Solicitor General.) As this Court recognized in calling for the views of the United States on the question whether rehearing should be granted, the views of the United States on matters involving the President's removal power are not always entirely congruent with the views of independent agencies. An earlier filing date would make it exceedingly difficult to engage in the necessary consultation within the government. A March 17 filing by the United States would provide the Bureau adequate time to address, in the Bureau's own filing on March 31, points made in the Department of Justice's filing. PHH would also have ample opportunity to address in its reply brief points made in an amicus

brief. And this Court will have the amicus brief of the United States more than two months before the oral argument on May 24, 2017.

We have consulted with counsel for PHH and for the Consumer Financial Protection Bureau, each of whom consents to this motion.

Respectfully submitted,

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/s/ Tara S. Morrissey

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MARCH 2017

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the requirements of Federal Rule of Appellate Procedure 27(d)(2). This motion contains 370 words.

s/ Tara S. Morrissey

Tara S. Morrissey

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2017, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

s/ Tara S. Morrissey

Tara S. Morrissey