

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

CHAMBER OF COMMERCE OF  
THE UNITED STATES OF  
AMERICA; FORT WORTH  
CHAMBER OF COMMERCE;  
LONGVIEW CHAMBER OF  
COMMERCE; AMERICAN  
BANKERS ASSOCIATION;  
CONSUMER BANKERS  
ASSOCIATION; and TEXAS  
ASSOCIATION OF BUSINESS,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION  
BUREAU; and ROHIT CHOPRA, in his  
official capacity as Director of the Consumer  
Financial Protection Bureau,

Defendants.

Case No.: 4:24-cv-213-P

**DEFENDANTS' MOTION TO DISSOLVE THE PRELIMINARY INJUNCTION**

Defendants the Consumer Financial Protection Bureau and Rohit Chopra (collectively, the Bureau) respectfully move to dissolve the preliminary injunction granted in the Court's May 10 order, ECF No. 82, and to lift the stay of the Bureau's Late Fee Rule. As the Bureau explains in its accompanying brief, the Court should dissolve the preliminary injunction because its analysis of Plaintiffs' likelihood of success on the merits rested entirely on the Fifth Circuit's holding in *Community Financial Services Ass'n of America, Ltd. v. CFPB*, 51 F.4th 616, 638 (5th Cir. 2022), which the Supreme Court has since reversed, *see CFPB v. Cmty. Fin. Servs. Ass'n of Am., Ltd.*, 601 U.S. 416, 435 (2024). That substantial change in the law governing Plaintiffs' constitutional

claim requires dissolving the Court's preliminary injunction. Although Plaintiffs raised several statutory grounds for relief in their preliminary injunction motion, they have not established a likelihood of success on any of them. The Court should therefore dissolve the preliminary injunction and lift the stay of the Bureau's Late Fee Rule.

DATED: July 8, 2024

Respectfully Submitted,

SETH FROTMAN  
*General Counsel*

STEVEN Y. BRESSLER  
*Deputy General Counsel*

KRISTIN BATEMAN  
*Assistant General Counsel*

/s/ Stephanie B. Garlock  
STEPHANIE B. GARLOCK\*  
*Counsel*

D.C. Bar No. 1779629  
JUSTIN M. SANDBERG\*  
*Senior Counsel*

Ill. Bar No. 6278377  
JOSEPH FRISONE\*  
*Senior Counsel*

Va. Bar No. 90728  
Consumer Financial Protection Bureau  
1700 G St. NW

Washington, D.C. 20552  
Stephanie.Garlock@cfpb.gov

Justin.Sandberg@cfpb.gov  
Joseph.Frisone@cfpb.gov

(202) 435-7201 (Garlock)  
(202) 450-8786 (Sandberg)

(202) 435-9287 (Frisone)  
(202) 435-7024 (fax)

\*Admitted *pro hac vice*

*Counsel for Defendants the Consumer  
Financial Protection Bureau and Rohit  
Chopra*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on July 8, 2024, I communicated by email with counsel for Plaintiffs, who indicated that Plaintiffs oppose the motion to dissolve the preliminary injunction.

/s/ Stephanie B. Garlock  
STEPHANIE B. GARLOCK

**CERTIFICATE OF SERVICE**

I hereby certify on July 8, 2024, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

*/s/ Stephanie B. Garlock*  
STEPHANIE B. GARLOCK