

[ORAL ARGUMENT HELD APRIL 12, 2016]

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
RESPONSE BY DECEMBER 22, 2016**

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. On November 18, 2016, the Bureau (acting through its own counsel, *see* 12 U.S.C. § 5564(b)) filed a rehearing petition. On November 23, 2016, this Court ordered petitioner to respond to the rehearing petition within 15 days, and invited the Solicitor General to file a brief expressing the views of the United States.

The United States hereby requests leave to file its response no later than December 22, 2016. Preparing a response will require extensive consultation within the Department of Justice. It would be impractical for the United States to file within 15 days of the Court's order, particularly in light of the Thanksgiving holiday and other litigation deadlines, including oral arguments in the Supreme Court by the Solicitor General's Office.

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

Respectfully submitted,

MARK B. STERN

s/ Daniel Tenny

DANIEL TENNY

TARA S. MORRISSEY

(202) 514-1838

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., N.W.

Room 7215

Washington, D.C. 20530

DECEMBER 2016

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2016, 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/ Daniel Tenny

Daniel Tenny

ADDENDUM

CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

A. Parties and Amici

Petitioners are PHH Corporation, PHH Mortgage Corporation, PHH Home Loans, LLC, Atrium Insurance Corporation, and Atrium Reinsurance Corporation. Respondent is the Consumer Financial Protection Bureau. Amicus in this Court are U.S. Chamber of Commerce, the American Land Title Association, AARP, the American Escrow Association, Real Estate Services Providers Council, Inc., U.S. Mortgage Insurers, National Association of Realtors, Consumer Mortgage Coalition, State National Bank of Big Spring, 60 Plus Association, Inc., Competitive Enterprise Institute, American Financial Services Association, Consumer Bankers Association, Housing Policy Council of the Financial Services Roundtable, Independent Community Bankers of America, Leading Builders of America, and National Association of Home Builders. There are pending motions for leave to file an amicus brief by Maxine Waters, Elizabeth Warren, Brad Sherman, Harry Reid, Jack Reed, Nancy Pelosi, Gwen Moore, Brad Miller, Jeff Merkley, Robert Menendez, Carolyn Maloney, Stephen F. Lynch, Al Green, Alan Grayson, Barney Frank, Keith Ellison, Dick Durbin, Elijah Cummings, John Conyers, Jr., Michael

Capuano and Sherrod Brown; and by Woodstock Institute, United States Public Interest Research Group Education Fund, Inc., National Council of La Raza, National Consumer Law Center, National Community Reinvestment Coalition, Leadership Conference on Civil and Human Rights, Consumer Federation of America, Center for Responsible Lending, California Reinvestment Coalition and Americans for Financial Reform.

B. Ruling Under Review

This is a petition for review of a Final Order in *In the Matter of PHH Corporation*, Docket No. 2014-CFPB-0002 (June 4, 2015) [JA 1]. The Bureau's decision is unreported.

C. Related Cases

Counsel are unaware of any related cases within the meaning of Rule 28(a)(1)(C).

s/Daniel Tenny
Daniel Tenny