THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

CONSUMER FINANCIAL PROTECTION BUREAU, Plaintiff, v. 1ST ALLIANCE LENDING, LLC, *et al.*, Defendants.	Case No. 3:21-CV-00055-RNC Date: May 20, 2024

NOTICE OF DISPOSITIVE SUPPLEMENTAL AUTHORITY

Herein, Plaintiff Consumer Financial Protection Bureau writes to notify the Court of the Supreme Court's decision in *CFPB v. Community Financial Services Ass'n of Am., Ltd.*, No. 22-448, 2024 WL 2193873 (U.S. May 16, 2024) ("*CFSA*"), which squarely forecloses an argument raised in Defendants' pending motion for summary judgment – i.e., that Defendants are entitled to summary judgment because the Bureau's funding structure is supposedly unconstitutional. (*See* Doc. 232-2, p. 66-67.)[1]

In *CFSA*, the Supreme Court—with Justice Thomas writing for a seven-justice majority—firmly rejected the very same attack on the Bureau's statutory method of funding that Defendants raise here and upheld the validity of the Bureau's funding. (*See*

[1] This page cite refers to the pagination electronically generated by the ECF system, which appears in the header of each page of Defendants' summary judgment pleadings.

Doc. 232-2, p. 66-67.) Relying on constitutional text and history, the Court explained that "appropriations need only identify a source of public funds and authorize the expenditure of those funds for designated purposes to satisfy the Appropriations Clause." *CFSA*, 2024 WL 2193873, at *5. It had no difficulty concluding that "[t]he Bureau's funding statute contains the requisite features of a congressional appropriation" and "fits comfortably with the First Congress' appropriations practice." *Id.* at *9. The Court thus affirmed "that the requirements of the Appropriations Clause are satisfied" by the Bureau's statute. *Id.* It accordingly reversed the contrary judgment of the Fifth Circuit that Defendants rely upon here. *See id.* at 12. In view of *CFSA*, Defendants' "unconstitutional funding" argument is plainly erroneous and should therefore be rejected by the Court.

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2024, the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ *Paris A. Wynn*