UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Northern Division

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

Case No. 3:16-cv-356-WHB-JCG

v.

ALL AMERICAN CHECK CASHING, INC.;
MID-STATE FINANCE, INC.; and
MICHAEL E. GRAY, individually,

Defendants.

DEFENDANTS' NOTICE OF CONSTITUTIONAL CHALLENGE TO ACT OF CONGRESS

Defendants All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray (collectively, "All American") hereby provide notice to the Court and the Attorney General of the United States that All American filed a motion for judgment on the pleadings and accompanying memorandum (Dkts. 143 & 144) yesterday, May 24, 2017, that call into question the constitutionality of a federal statute. In particular, the motion argues that the Consumer Financial Protection Act ("CFPA") is unconstitutional insofar as it creates a Consumer Financial Protection Bureau ("CFPB") whose structure violates the Constitution. Federal Rule of Civil Procedure 5.1 requires a party to provide prompt notice to the Court and the Attorney General of the United States in the event of a motion calling into question the constitutionality of a federal statute if the United States or an agency thereof is not a party to the case. Although the CFPB is an agency of the federal government, the United States has recently taken the view that the CFPB is unconstitutionally structured. *See* U.S. Amicus Br., *PHH Corp. v. CFPB*, No. 15-1177, 2017

WL 1035617 (D.C. Cir. Mar. 17, 2017). The CFPB, therefore, may not adequately represent the views of the United States in this action.

All American provides this Notice to ensure the interests of the Attorney General of the United States are adequately represented. In compliance with Federal Rule 5.1, this Notice is being served upon the Attorney General of the United States by serving it via certified mail to:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: May 25, 2017

Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via the Court's ECF system on the following counsel of record on May 25, 2017:

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/s/ Robin H. Rasmussen