UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CONSUMER FINANCIAL PROTECTION BUREAU **PLAINTIFF**

VS. **CIVIL ACTION NO. 3:16-cv-00356-WHB-JCG**

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

JOINT MOTION TO CONTINUE TRIAL

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Consumer Financial Protection Bureau ("Bureau") and Defendants All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray (collectively, "Defendants"), jointly move this Court for a 60-day continuance of the trial date and all corresponding deadlines. In support, the parties state:

1. Good cause exists for this continuance. Trial is scheduled to begin on January 2, 2018 and the final pretrial conference is set for December 7, 2017. *See* Text Only Amended Case Management Order (3/20/17). Several significant motions are currently pending before the Court. The date of the trial and associated deadlines should be continued to avoid the unnecessary expenditure of resources by the parties and to promote judicial economy.

2. The motions currently pending before the Court include the Bureau's motion for summary judgement on all counts, ECF No. 201, and Defendants' motions to exclude the testimony of the Bureau's expert witnesses, ECF Nos. 197, 199. The parties completed briefing on these motions on September 27, 2017, less than three months before the final pretrial conference. *See* ECF Nos. 223, 224, 225.

3. Defendants' motion for judgment on the pleadings, ECF No. 144, is also pending. Briefing on this motion was completed on June 30, 2017. *See* ECF No. 186.

4. The current schedule does not provide sufficient time for the Court to rule on the pending motions and for the parties to subsequently prepare in advance of the final pretrial conference for any issues going to trial. A continuance would ensure that the parties do not expend their time and resources – and the time and resources of the Court – preparing for issues that need not be addressed at trial. This case involves Defendants' company-wide policies and practices in numerous years, multiple states, and three distinct areas: check cashing, payday lending, and overpayments by consumers. As demonstrated by the Bureau's motion for summary judgment, the evidence includes a large number of documents and witnesses. A continuance would provide the Court with adequate time to decide the pending motions sufficiently in advance of the final pretrial conference. If the Court determines that a trial on some issues is necessary, the parties will need enough time before the final pretrial conference to consider and apply the Court's rulings to critical matters, including the contested and uncontested facts and legal issues, witness and exhibit lists, and deposition designations. If the Court determines that there is no need for a trial, then the parties will not expend resources unnecessarily.

5. A brief continuance would not prejudice either party.

For these reasons, the parties respectfully request a 60-day continuance of the trial and all associated deadlines, including the date of the final pretrial conference.

Dated: October 24, 2017

Respectfully submitted,

CONSUMER FINANCIAL PROTECTION BUREAU

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

s/Emily Mintz
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