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' MOTION FOR CERTIFICATION OF QUESTIONS FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)

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Helgi C. Walker, *pro hac vice* (DC 454300)
Joshua S. Lipshutz, *pro hac vice* (DC 1033391)
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All American Check Cashing, Inc., Mid-State Finance, Inc., and Michael E. Gray (collectively, "All American") respectfully move this Court to certify its March 21, 2018 Order denying All American's Motion for Judgment on the Pleadings, ECF No. 236, to enable an appeal to the Fifth Circuit Court of Appeals pursuant to 28 U.S.C. § 1292(b), Federal Rule of Civil Procedure 7, and Federal Rule of Appellate Procedure Rule 5. All American asks this Court to certify the following questions:

(i) Does the structure of the Consumer Financial Protection Bureau ("CFPB") violate Article II of the Constitution and the Constitution's separation of powers?

(ii) Do principles of fair notice and due process prevent the CFPB from enforcing the Consumer Financial Protection Act's prohibition against "unfair," "deceptive," and "abusive" acts, 12 U.S.C. § 5536(a)(1)(B), without defining those terms?

This motion is based upon the contemporaneously filed memorandum in support.

Dated: March 26, 2018

Respectfully submitted,

/s/ Helgi C. Walker
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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 March 26, 2018:

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