Keith Beauchamp (012434)
Andrew T. Fox (034581)
COPPERSMITH BROCKELMAN PLC
2800 N Central Avenue, Suite 1900
Phoenix, AZ 85004
Telephone: 602.381.5494
kbeauchamp@cblawyers.com
afox@cblawyers.com

Attorneys for Defendant Early Warning Services, LLC

[Additional counsel on signature page]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Consumer Financial Protection Bureau,

Plaintiff,

v.

Early Warning Services, LLC; Bank of America, N.A.; JPMorgan Chase Bank, N.A.; and Wells Fargo Bank, N.A.,

Defendants.

Case No. 2:24-cv-03652-SMB

JOINT MOTION TO SET A BRIEFING SCHEDULE AND AUTHORIZE FILING OF A CONSOLIDATED MOTION TO DISMISS

Plaintiff Consumer Financial Protection Bureau filed this lawsuit against Defendants Early Warning Services, LLC ("EWS"), Bank of America, N.A. ("BANA"), JPMorgan Chase Bank, N.A. ("Chase"), and Wells Fargo Bank, N.A. ("Wells Fargo") (collectively, "Defendants") on December 20, 2024. Plaintiff's 90-page complaint asserts one cause of action against EWS, three causes of action against BANA, three causes of action against Chase, and three causes of action against Wells Fargo. All Defendants intend to file a motion to dismiss the complaint.

To simplify the presentation of arguments for dismissal to the Court, avoid duplication, and ease the burden on the Court and the parties, Plaintiff and Defendants request leave to file consolidated briefing as follows:

1. Defendants to file a joint motion to dismiss and a single memorandum in support up to fifty (50) pages; each Defendant may file a supplemental brief up to five (5) pages to address arguments unique to that Defendant, if any.

2. Plaintiff to file a response to the joint motion to dismiss up to fifty (50) pages; Plaintiff may file separate supplemental briefs up to five (5) pages in response to any individual Defendant's supplemental brief.

3. Defendants to file a reply in support of their joint motion to dismiss up to thirty (30) pages; each Defendant may file a reply in support of any supplemental brief up to three (3) pages.

Defendants waived service of the complaint on December 20, 2024, and the current deadline for filing motions to dismiss is February 18, 2025. To permit adequate time for coordination on consolidated briefing, Plaintiff and Defendants further request an extension of the briefing schedule to provide an additional sixty (60) days for Defendants to file their motion, a commensurate sixty (60) days for Plaintiff to respond to the motion, and thirty (30) days for Defendants to reply.

In light of the foregoing, the Parties jointly request that the Court enter the following briefing schedule:

Filing	Original Briefing Schedule	Proposed Briefing Schedule
Motion to Dismiss	February 18, 2025	April 21, 2025
Response	March 4, 2025	June 20, 2025
Reply	March 11, 2025	July 21, 2025

Finally, the Parties jointly propose a March 21, 2025 deadline for conferring pursuant to LRCiv 12.1(c).

A proposed order is lodged herewith.

DATED this 17th day of January, 2025.

COPPERSMITH BROCKELMAN PLC

By: *s/ Andrew T. Fox*
Keith Beauchamp
Andrew T. Fox

COVINGTON & BURLING LLP

D Jean Veta*
Stacey K Grigsby*
Valerie Hletko*
One City Center, 850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202) 662-5294
jveta@cov.com
sgrigsby@cov.com
vhletko@cov.com

C. William Phillips**
The New York Times Building
620 Eighth Avenue
New York, NY 10018
T: (212) 841-1000
cphillips@cov.com

PAUL HASTINGS LLP

Jonice M. Gray*
Aaron Mahler**
2050 M Street, NW
Washington, DC 20036
T: (202) 551-1700
jonicegray@paulhastings.com
aaronmahler@paulhastings.com

Matthew P. Previn*
200 Park Avenue
New York, NY 10166
T: (212) 318-6000
matthewprevin@paulhastings.com

*Admitted pro hac vice
**Pro hac vice application forthcoming

Attorneys for Defendant Early Warning Services, LLC

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: *s/ Bejamin W. Chapin (with permission)*

Matthew T. Martens*
Benjamin W. Chapin*
2100 Pennsylvania Ave. NW
Washington, DC 20037
Tel: (202) 663-6000
Matthew.Martens@wilmerhale.com
Benjamin.Chapin@wilmerhale.com

Timothy J. Perla*
60 State St.
Boston, MA 02109
Tel: (617) 526-6000
Timothy.Perla@wilmerhale.com

Noah Levine*
Denis R. Hurley*
7 World Trade Center
250 Greenwich St.
New York, NY 10007
Tel: (212) 230-8800
Noah.Levine@wilmerhale.com
Denis.Hurley@wilmerhale.com

*Pro hac vice application forthcoming

SNELL & WILMER L.L.P.

Barbara Dawson
Gergory J. Marshall
1 E. Washington St., Suite 2700
Phoenix, Arizona 85004-2556

Attorneys for Defendant Bank of America, N.A.

WILLIAMS AND CONNOLLY, LLP

By: *s/ Jesse T. Smallwood (with permission)*
Enu Mainigi (*pro hac vice*)
Jesse T. Smallwood (*pro hac vice*)

GREENBERG TRAURIG, LLP

Nicole M Goodwin
Matthew P. Hoxsie
2375 E. Camelback Road, Suite 800
Phoenix, Arizona 85016

Attorneys for Defendant JPMorgan Chase Bank, N.A.

KING & SPALDING LLP

By: *s/ Jamie Dycus (with permission)*
Jamie Dycus (*pro hac vice forthcoming*)
David Lesser (*pro hac vice forthcoming*)
1185 Avenue of the Americas
New York, New York 10036

OSBORN MALEDON, P.A.

David B. Rosenbaum
Joseph N. Roth
Joshua J. Messer
2929 North Central Avenue, Suite 2000
Phoenix, Arizona 85012

Attorneys for Defendant Wells Fargo Bank N.A.

CONSUMER FINANCIAL PROTECTION BUREAU

By: *s/ Benjamin R. Brunner (with permission)*
Benjamin R. Brunner
Benjamin Buchholz
Alexis Christensen
Benjamin J. Clark
Christina Coll
Stephen Jacques
Amanda Roberson
Noah Steimel
Samuel Taxy
1700 G Street, NW
Washington, DC 20552

Attorneys for Plaintiff Consumer Financial Protection Bureau