IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Eastern Division

Consumer Financial Protection Bureau, Plaintiff, v. Intercept Corporation d/b/a Intercept EFT, Bryan Smith, and Craig Dresser, Defendants.	:	CIVIL ACTION No. 16-144

MOTION FOR ORAL ARGUMENT ON DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants Intercept Corp., Bryan Smith, and Craig Dresser respectfully request oral argument on their Motion to Dismiss the Complaint filed by the Consumer Financial Protection Bureau ("Bureau"). N.D. Local Rule Civ. P. 7(1)(e). As stated in previous filings, no court in this Circuit has considered the merits of a claim brought under the Consumer Financial Protection Act ("CFPA"). *See* Doc. Nos. 16, 17, 30, 31. Moreover, the Bureau's Complaint implicates a number of complex issues, such as the interpretation of CFPA's statute of limitations, the scope of the CFPA (i.e., its applicability to Intercept and its owners, Messrs. Smith and Dresser), the legal sufficiency of the Bureau's allegations, and the constitutionality of the Bureau itself. Oral argument would therefore assist the Court in its resolution of Defendants' Motion to Dismiss, which is now fully briefed and ripe for the Court's review.

Dated: September 12, 2016

Respectfully submitted,

/s/ Michael T. Andrews

Michael T. Andrews (ND #05516)
David J. Hauff (ND #04145)
Anderson, Bottrell, Sanden & Thompson
4132 30th Ave SW, Suite 100
PO Box 10247
Fargo, ND 58106-0247
(701) 235-3300
mandrews@andersonbottrell.com
dhauff@andersonbottrell.com

and

Jay A. Dubow
Richard J. Zack (admitted *Pro Hac Vice*)
Matthew Homberger (admitted *Pro Hac Vice*)
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000
zackj@pepperlaw.com
dubowj@pepperlaw.com
hombergerm@pepperlaw.com

Attorneys for Defendants