United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

v.

NATIONWIDE BIWEEKLY ADMINISTRATION, INC., et al.,

Defendants.

Case No. 15-cv-02106-RS

ORDER SETTING BRIEFING SCHEDULE

On consideration of the parties' joint case management conference statement, the conference set for May 18, 2023, is vacated. The parties are in agreement that briefing should proceed at this time on the so-called "*Seila Law*" and "restitution" issues, but disagree as to whether briefing on the constitutionality of the CFPB's funding should await the Supreme Court's anticipated decision in *Community Financial Services Ass'n of America, Ltd. v. CFPB*, 51 F.4th 616 (5th Cir. 2022), cert. granted, 2023 WL 2227658 (U.S. Feb. 27, 2023) (No. 22-448). The parties also disagree as to page limits. Plaintiff proposes the normal motion practice limits should apply for each of the three issues. Defendants seek additional pages for both the *Seila Law* issue and the constitutionality issue, as to which they are effectively the "moving parties."

Briefing on the constitutionality issue will not be postponed, although the court reserves the discretion to defer issuing a decision until the Supreme Court rules. Because this means the parties will be addressing one more issue than they perhaps had anticipated, their proposed deadlines will be extended by two weeks. Accordingly, briefing will proceed as follows.

June 29, 2023

-- Defendants shall file an opening brief, not to exceed 35 pages, regarding the *Seila Law* issue identified in the Ninth Circuit's Memorandum Disposition at pages 3-4.

-- Defendants shall file an opening brief, not to exceed 35 pages, regarding the issue of the constitutionality of the CFPB's funding mechanism identified in the Memorandum Disposition at page 4.

-- Plaintiff shall file an opening brief, not to exceed 25 pages, regarding the restitution issue identified in the Memorandum Disposition at pages 4-5.

August 3, 2023

The parties shall file oppositions, each not to exceed the number of pages allowed for the corresponding opening briefs.

September 7, 2023

The parties may file reply briefs not to exceed 15 pages each.

The matter may then be set for hearing at the court's discretion.

IT IS SO ORDERED.

Dated: May 11, 2023

RICHARD SEEBORG
Chief United States District Judge