

Exhibit C

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September 11, 2015

Chief FOIA Officer
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552

Re: FOIA Request Concerning Admin. Proceeding No. 2015-CFPB-0022

Dear CFPB FOIA Officer,

This is a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

This request pertains to the above-referenced administrative proceeding.

In the Consent Order issued in that proceeding, the Bureau cites “approximately 35,600 identified Consumers who paid on a debt after an affidavit with a representation that the Debt could be assumed valid because the Consumer failed to dispute under the FDCPA was submitted in court” Consent Order at ¶ 145, *In re Encore Capital Group, Inc. et al.*, Admin. Proc. No. 2015-CFPB-0022 (Sept. 3, 2015).

We request that the Bureau provide us with copies of the documents in the Bureau’s possession that the Bureau relied upon in identifying these approximately 35,600 lawsuits.

In order to help you determine our status for the applicability of any fees, we are requesting these documents because we serve as counsel for the Plaintiffs in an ongoing civil action brought on behalf of a proposed class of New York State residents against Encore subsidiaries Midland Funding, LLC and Midland Credit Management, Inc. for wrongful debt-collection practices. *Italiano et al. v. Midland Funding LLC et al.*, No. 2:14-cv-00018-JMA-ARL (E.D.N.Y.).

Many of our clients’ allegations align with the Bureau’s findings in the above-referenced administrative proceeding—in particular, that Midland Funding, LLC and Midland Credit Management, Inc. violated 15 U.S.C. § 1692(e) by submitting affidavits representing that failure to dispute an alleged debt rendered it valid. *See* Second Am. Class Action Compl. at ¶¶ 50–52, 102, *Italiano*, No. 2:14-cv-00018-JMA-ARL (E.D.N.Y. Aug. 19, 2014), ECF No. 45. A central issue in *Italiano* is the extent to which such affidavits were used to secure default judgments in New York State debt-collection suits as to which Midland Funding, LLC and Midland Credit

FRANK LLP

CFPB Chief FOIA Officer
September 11, 2015
Page 2

Management, Inc. lacked documentary evidence substantiating their claims. *See id.* at ¶¶ 38–39, 43.

We are willing to pay fees for this request up to a maximum of \$1,000, without further consultation. If you estimate that the fees will exceed this limit, please contact me.

If you have any questions about processing this request, please do not hesitate to telephone me at any time at one of the numbers listed below.

This request is being submitted via both email and regular mail. Please feel free to send the requested documents via either email or regular mail, using the contact information listed below. Thank you in advance for your prompt attention to this request.

Sincerely,



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