

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CONSUMER FINANCIAL PROTECTION
BUREAU,

Petitioner-Appellee,

Case No. 17-55721

v.

FUTURE INCOME PAYMENTS, LLC,
Respondent-Appellant,

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
ANSWERING BRIEF**

The Consumer Financial Protection Bureau's answering brief is currently due on January 25, 2018, as extended by this Court. To allow new leadership personnel adequate time to consider the issues relevant to this case, the Bureau respectfully moves this Court for an order under Federal Rule of Appellate Procedure 26(b) and Circuit Rule 31-2.2(b) for an additional 45-day extension of time. The requested extension would make the Bureau's answering brief due on Monday, March 12, 2018.

The Bureau's need for an extension of time arises out of a recent change in the Bureau's leadership. The Bureau's prior Director, Richard Cordray, resigned effective at midnight on Friday, November 24, 2017. That same day, President

Trump directed Mick Mulvaney, who serves as the Director of the Office of Management and Budget, to also act as Director of the Bureau upon Director Cordray's resignation.

As explained in the attached declaration, an additional 45-day extension of time will allow the Acting Director and the Bureau's leadership team adequate time to consider the issues relevant to this appeal.

Appellant's counsel has authorized us to state that appellant does not object to this extension motion.

Respectfully submitted,

Dated: January 18, 2018

/s/ Christopher J. Deal

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Consumer Financial Protection Bureau

DECLARATION OF CHRISTOPHER J. DEAL

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am an attorney for the Consumer Financial Protection Bureau, which is the Petitioner-Appellee in the above-captioned appeal. I represent the Bureau in this appeal.

2. The Bureau's answering brief is currently due on January 25, 2018. The Bureau's answering brief was originally due on December 26, 2017.

3. The Bureau requests a 45-day extension of its time to file an answering brief, to and including Monday, March 12, 2018.

4. An extension is necessary to permit the Bureau's new leadership personnel, led by Acting Director Mick Mulvaney, adequate time to consider the issues related to this appeal.

6. Appellant's opening brief in this appeal argues that the Bureau's statutory structure is unconstitutional, that this Court cannot cure the constitutional defect with the Bureau's structure, and that even if the Bureau's structure were reformed the Bureau would not be permitted to ratify its past actions.

7. Mr. Mulvaney did not become the Bureau's Acting Director until after Appellant filed its opening brief in this appeal and after the Bureau had taken the actions to which Appellant objects.

8. Acting Director Mulvaney has stated publicly that he and the Bureau's leadership team are reviewing ongoing litigation and investigation matters on an individual basis. The Acting Director has indicated that there are more than one hundred such matters requiring review. Although the Bureau has proceeded diligently, the Acting Director and the leadership team have not completed their review of this case. It is possible that the Acting Director's review will obviate the need for the Court to address Appellant's constitutional challenge.

9. The requested extension of 45 days will allow the Bureau's new leadership to adequately consider the issues relevant to this case and will permit the Bureau's attorneys to make a timely filing in this case.

10. Appellant's counsel has advised me that the appellant does not object to the Bureau's request.

11. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 2018.

/s/ Christopher J. Deal

CHRISTOPHER J. DEAL

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on January 18, 2018.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 18, 2018

/s/ Christopher J. Deal

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