

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ACA INTERNATIONAL and SPECIALIZED COLLECTION
SYSTEMS, INC.

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION BUREAU and the
Acting Director of the Consumer Financial Protection Bureau,
1700 G. St. NW, Washington, DC
20552

Defendants.

No. 4:25-CV-00094

**PROPOSED INTERVENOR-DEFENDANTS' NOTICE OF POSITION ON
DEFENDANTS' MOTION TO STAY PROCEEDINGS (ECF NO. 24) & PLAINTIFF'S
MOTION OPPOSING DELAY IN PROCEEDINGS (ECF NO. 26)**

Proposed Intervenor-Defendants hereby notify the Court and the parties to this matter that they do not oppose Defendants' Motion to Stay Proceedings, filed on Wednesday, February 12, 2025, ECF No. 24, but that they request that no resolution of this matter be permitted while Intervenor-Defendants' Motion to Intervene, ECF No. 23, is pending.

Proposed Intervenor-Defendants do oppose Plaintiffs' Motion Opposing Delay in Proceedings, ECF No. 26, requesting that the effective date of the "Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information (Regulation V)" (Rule), 90 Fed. Reg. 3276 (Jan. 14, 2025), be further delayed without permitting response briefing on the pending Motion for Preliminary Injunction, ECF No. 14. Such a unilateral delay of the Rule would be improper, unwarranted, and unnecessary prior to full briefing on Defendants' motion, which could

timely occur prior to the Rule's effective date whether or not the requested stay is granted. Proposed Intervenor-Defendants thus request that Plaintiffs' motion be denied.

Proposed Intervenor-Defendants do not oppose Defendants' proposed stay because it solely seeks to stay the litigation and does not seek to stay the effective date of the Rule beyond the Rule's current effective date of June 15, 2025. However, Proposed Intervenor-Defendants moved to intervene because they believe that the new Administration will likely change positions in such a way that may lead to a settlement or other resolution that would impair Proposed Intervenor-Defendants' interests. As a result, Proposed Intervenor-Defendants request that, should the Court elect to grant the motion to stay proceedings, the parties be required to provide notice to the Court if, during the pendency of the stay, they determine that resolution of the matter is warranted. Proposed Intervenor-Defendants further request that if the parties make such a determination, they also be required to respond to the intervention motion shortly thereafter, and that the motion to intervene be decided prior to any resolution of this matter.

Further, as noted in Proposed Intervenor-Defendants' Motion to Intervene, Proposed Intervenor-Defendants stand ready to submit a timely proposed opposition to Plaintiffs' motion for preliminary injunction either on the current deadline of February 14, 2025, if the stay is not granted, or on any new deadline set by the Court. To the extent that the Motion to Intervene remains pending as of the date the Motion for Preliminary Injunction is fully briefed, Proposed Intervenor-Defendants request that the Motion to Intervene be decided prior to any hearing on or resolution of the Motion for Preliminary Injunction.

WHEREFORE, Proposed Intervenor-Defendants respectfully request that the Court

(a) Deny Plaintiffs' Motion Opposing Delay in Proceedings; and

(b) In the event that the Court grants Defendants' Motion to Stay Proceedings, decide the Motion to Intervene prior to any hearing on the pending Motion for Preliminary Injunction or other resolution of this case.

Dated: February 13, 2025

Respectfully submitted:

/s/ Carla Sanchez-Adams

Carla Sanchez-Adams
Texas Bar No. 24070552
National Consumer Law Center
1001 Connecticut Avenue, NW, Suite 510,
Washington, DC, 20036
Ph: 202-452-6252
Fax: 202-296-4062
csanchezadams@nclc.org

Jennifer S. Wagner (motion for *pro hac vice* pending)
Chi Chi Wu (motion for *pro hac vice* forthcoming)
National Consumer Law Center
7 Winthrop Square
Boston, MA 02110
Ph: 617-542-8010
jwagner@nclc.org
cwu@nclc.org

Counsel for Proposed Intervenors

CERTIFICATE OF SERVICE

I certify that on February 13, 2025, the foregoing document was filed on the Court's CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Carla Sanchez-Adams

