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 ROHIT CHOPRA, in his official capacity as Director of the Consumer Financial Protection Bureau, Defendants.	Case No. 4:25-cv-00094

PLAINTIFFS ACA INTERNATIONAL AND SPECIALIZED COLLECTION SYSTEMS, INC.'S RESPONSE TO MOTION TO INTERVENE AS DEFENDANTS

Plaintiffs ACA International ("ACA") and Specialized Collection Systems, Inc. ("SCS") (collectively, "Plaintiffs") submit this Memorandum in Opposition to putative intervenors' New Mexico Center on Law and Poverty ("NMCLP"), Tzedek DC, David Deeds, and Harvey Coleman (together, "Applicants") Motion to Intervene ("Motion"). Plaintiffs respectfully ask that this Court deny Applicants' Motion to Intervene as Defendants in the instant matter.

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I. INTRODUCTION

Intervention is a procedural tool for non-parties when they have a personal substantial interest in the subject matter of the case that could be significantly impacted by the outcome, and their substantial interest is not adequately represented by the existing parties, essentially giving them a legal right to become part of the litigation to protect their interests. Intervention is never appropriate when the interests to protect are speculative and not legally protectible, or when the existing parties might be adequate to protect legal interests. Such is the case here.

The instant matter involves a rule that has not yet been implemented, affects no particular real or personal property or legal right, and has no certain, foreseeable, or predictable consequences for any of the intervenor applicants. There is no substantial interest to protect. Furthermore, the CFPB and its leadership have not yet stated their position concerning this litigation, other than to request a 90-day delay in proceedings. Intervention should be denied here because the applicants have no cognizable interests to protect in this matter and merely speculate that the CFPB holds a different view that might affect the outcome in this case.

II. BACKGROUND AND PROCEDURAL HISTORY

On January 14, 2025, the CFPB published a Final Rule that seeks to suppress millions of accurate trade lines on consumer credit reports. This Rule, promulgated in the waning days of the Biden Administration, will conceal up to 57% of all information regarding unpaid accounts currently reported on consumer credit reports.[1] To support its sweeping Rule, the CFPB relies on a new (and transformative) reading of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.*

[1] 90 Fed. Reg. 3279 ("The CFPB estimated that medical collections accounted for 57 percent of all collections tradelines in Q1 2022 and 58 percent in Q2 2018.")

The FCRA prevents credit report users from using information about a person's medical condition and treatments to make credit, rental, or employment decisions. 15 U.S.C. § 1681b. However, the statute affirmatively allows credit reporting agencies ("CRAs") to include a specific type of medical debt information on consumer reports if it "is restricted or reported using codes that do not identify" the medical provider or the nature of the services. 15 U.S.C. § 1681b(g)(1)(C). The statute also expressly authorizes creditors to use this coded medical debt information to make credit decisions. *Id.* § 1681b(g)(2). In the Rule challenged in the instant proceeding, the CFPB rewrites the statute to forbid CRAs from sharing even the masked medical debt information while it also prohibits creditors from using such data to make credit decisions.

In the midst of the instant litigation, the federal executive branch (including the CFPB) underwent a presidential transition. On February 12, 2025, two days before the CFPB was due to respond to Plaintiffs' motion for preliminary injunction, the Bureau requested a 90 day stay in proceedings to allow the Bureau's newly designated Acting Director time to "consider the rule challenged by Plaintiffs in this action." (Mot. to Stay Proceedings, p. 1.) Plaintiffs respectfully requested that this Court deny this motion in part due to the specific concern that the period between this Court's decision on the preliminary injunction motion and the Rule's effective date would be too short to allow Plaintiffs sufficient time to prepare for the Rule's sweeping effects. On February 13, this Court agreed to the CFPB's motion to stay, extending the CFPB's deadline to respond to Plaintiffs' motion for preliminary injunction from February 14, 2025, to May 15, 2025, and extending the Rule's effective date from March 17, 2025, to June 15, 2025. (Order Granting Defendants' Mot. to Stay Proceedings, ECF No. 28.)

Since the presidential transition—and indeed during the 2024 presidential campaign—President Trump and his supporters have indicated discomfort with the CFPB's sweeping

regulatory authority and lack of democratic accountability. Just this month, President Trump issued a press release decrying the CFPB as a "weaponized arm of the bureaucracy that leverages its power against certain individuals and industries." Others criticize the CFPB as a "lawless and unaccountable agency" abound. Over the last several weeks, President Trump replaced the CFPB's Director, Rohit Chopra, with Treasury Secretary Scott Bessent in an acting capacity, and nominated former FDIC board member Jonathan McKernan as the CFPB's next Director.

While the intervenor Applicants point to numerous examples of President Trump and his top officials criticizing the CFPB as an out of control, unaccountable government entity, Applicants can point to no statement by President Trump nor his team specifically criticizing the Rule. Indeed, the CFPB has requested a pause on litigation activity to review active litigation and rulemakings. In their proceedings before this Court, including in their February 12 Motion to Stay, the CFPB has indicated no interest in abandoning the Rule. Applicants filed their Motion on February 12, 2025, and Plaintiffs respond in opposition to that motion here.

Putative Intervenors David Deeds and Harvey Coleman.

Mr. Deeds has one medical debt on his credit report. (Ex. 3, ¶¶ 13–14.) While we must take Applicants' assertions as true at this stage, they have not asserted that Mr. Deeds' credit score was affected by the one medical debt for $526 that appears on his credit reports. (Mot. at 10–11; *see generally* Ex. 3.) Rather, Applicants merely assert that Mr. Deeds *believes* his medical debt affects his credit score, not that it *is* affecting his credit score. (Ex. 3 ¶ 15.) Nor could they, as it appears that Mr. Deeds' credit score likely dropped from non-medical debts when he was out of work. (Ex. 3 ¶ 10.) While Mr. Deeds' assertions are sympathetic, they do not show that he has a legally protectable interest in the outcome of this litigation.

Likewise, Mr. Coleman alleges one medical debt on his credit report. (Ex. 4, ¶¶ 7–8.) Again, the Applicants have not asserted facts showing that Mr. Coleman's credit score was affected by the one medical debt for $1,300 that appears on the three major credit bureaus' reports. They merely assert that Mr. Coleman *believes* his medical debt is affecting his credit score and is related to a subsequent denial for financing, not that it *is* affecting his credit availability. (*Id.* at ¶ 9.)

Putative Intervenors Tzedek DC and NMCLP. Tzedek DC and NMCLP are both public interest groups that claim to support individuals facing the consequences of medical debt. (*See* Ex. 5, ¶ 3; Ex. 6, ¶¶ 5, 7.) Both purport to direct funds towards these causes, and that they will be able to use these funds elsewhere if the Rule is allowed to go into effect and enforced by the CFPB. (*See* Ex. 5, ¶¶ 5, 7; Ex. 6, ¶¶ 6, 10.) But both of these groups already allocate funds to supporting these missions, and the needs of the communities they serve will be *unchanged* by the vacatur of the Rule that Plaintiffs seek in this case. (Ex. 5, ¶¶ 10–12; Ex. 6, ¶¶ 10–12.)

Further, the fact that Tzedek DC reduced its resources towards this mission in its most recent budget, *prior to the rule being finalized on January 7, 2025*, is of no consequence. Tzedek DC's leadership team knew or should have known of the incoming administration's right to pause or reconsider pending rules and that any final rule would face legal challenges and possible delay to its implementation. It cannot use a self-inflicted harm to establish a right to intervene in this case.

III. LEGAL STANDARD

Intervention by right requires that a putative intervenor either "must be given an unconditional right to intervene by a federal statute"—which applicants have not claimed here—or "meet each of the four requirements of Rule 24(a)(2) as follows: (1) the application for intervention must be timely; (2) the applicant must have an interest relating to the property or

transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; (4) the applicant's interest must be inadequately represented by the existing parties to the suit." *Texas v. U.S.*, 805 F.3d 653, 657 (5th Cir. 2015) (citing Fed. R. Civ. P. 24(a); *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 463 (5th Cir. 1984)). "[T]he movant bears the burden of establishing its right to intervene." *Id.* at 656 (internal quotation marks omitted).

When intervention as of right is unavailable to intervenors, under Rule 24(b), a court has discretion to allow intervention where the movant (1) makes a timely motion and (2) "has a claim or defense that shares with the main action a common question of law or fact." FED. R. CIV. P. 24(b). The "words 'claim or defense' manifestly refer to the kinds of claims or defenses that can be raised in courts of law as part of an actual or impending law suit." *Diamond v. Charles*, 476 U.S. 54, 77 (1986) (O'Connor, J., concurring). Thus, the rule "plainly does require an interest sufficient to support a legal claim or defense which is 'founded upon that interest' and which satisfies the Rule's commonality requirement." *Id*. at 77 (quoting *SEC v. U.S. Realty & Imp. Co*., 310 U.S. 434, 460 (1940)). In that vein, as stated previously, a movant must be a real party in interest to intervene, and he has no standing to assert rights of another. *See Price v. Daigre,* No. 5:08cv16-DCB-JMR, 2011 WL 6046313, at *3 (S.D. Miss. Dec. 5, 2011). Critically, permissive intervention is "wholly discretionary" even where the requirements of Rule 24(b) are otherwise met. *New Orleans Pub. Serv*., 732 F.2d at 470-71. Courts often allow organizations to permissively intervene where, as here, the potential intervenors may provide unique perspective or expertise for a shared legal defense.

Applicants cannot intervene by right because they do not meet the burden of proving prongs two, three, or four with any evidence other than speculation. They are no different than the 15 million other Americans with medical debt on their tradelines. Permissive intervention is not appropriate because the Rule must stand or fall on the Rule's administrative record alone, thus Applicants cannot add any perspective or expertise, but rather will only delay disposition of the matter.

IV. ARGUMENT

Applicants have failed to show that they have a legally-protectible interest that entitles them to intervene by right. Further, they have not shown that their interests are inadequately represented by the CFPB. Finally, the Applicants have not met the requirements for permissive intervention because they cannot add to the administrative record, which is the only evidence in this case. Even if Applicants had met the requirements for permissive intervention, this Court should exercise its discretion to deny the request because if the CFPB truly does choose to abandon the Rule, intervention will only delay disposition of the proceeding.

A. Applicants are Not Entitled to Intervene as a Matter of Right

1. Applicants Lack a Direct, Substantial, and Legally Protectable Interest

To meet the second requirement for intervention, the applicant must show a "direct, substantial, legally protectable interest in the proceedings." *New Orleans Pub. Serv.*, 732 F.2d at 46 (internal citations omitted). "[T]he inquiry turns on whether the [purported] intervenor has a stake in the matter that goes beyond a generalized preference that the case comes out a certain way." *Texas v. U.S.*, 805 F.3d at 657. In the Fifth Circuit, an interest sufficient to allow intervention by right must be "concrete, personalized, and legally protectible." *Id.* at 658; *see also Edwards v. City of Houston*, 78 F.3d 983, 1004 (5th Cir. 1996); *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co*., 732 F.2d 452, 463 (5th Cir. 1984))); Charles Alan Wright, et al., *7C Federal*

Practice and Procedure § 1908.1 (3d ed. 2007)); *John Doe No. 1 v. Glickman*, 256 F.3d 371, 379 (5th Cir. 2001) (citations omitted) (all requiring a "direct, substantial, and legally protectable" interest that is related to the property or transaction that forms the basis of the controversy in the case into which it seeks to intervene).

For example, intervention as of right is appropriate where the applicant has title or a security interest in property that is the subject of the litigation. *Optimum Lab'y Servs., LLC v. Simmons Bank*, No. 20-00007, 2023 WL 3855067, at *2 (W.D. Tex. June 5, 2023) (security interests constitute "a quintessential property right."); *see also Giancaspro v. Network Travel Experiences, Inc.*, No. 22-5745, 2022 WL 19569513, at *5 (C.D. Cal. Nov. 3, 2022) ("[I]t is well-established that a security interest in property constitutes a sufficient interest to support intervention as a matter of right under Rule 24(a)."); *see Adam Joseph Res. v. CAN Metals Ltd*., 919 F.3d 856, 866 (5th Cir. 2019) (attorney's fee interest in case proceeds "is a sufficient interest relating to the property or transaction that is the subject of the action for purposes of intervention" (internal quotation marks and citation omitted)). Intervention is also allowed when applicants seek to protect Constitutional rights, like voting rights. *League of United Latin Am. Citizens, District 19 v. City of Boerne*, 659 F.3d 421, 434 (5th Cir. 2011) (holding that intervenor had a "legally protectable interest" where he sought to protect "his right to vote in elections to choose all five city council members.").

In a case involving property, money, or a legal right granted by statute or Constitution, applicants have a concrete right to protect. But that is not the case in this instance. None of the Applicants have a stake in the matter that goes beyond a generalized ideological preference for suppression of accurate information on credit reports and the remote potential it provides for economic advantage. *See Texas v. U.S.*, 805 F.3d at 657. An "intervenor fails to show a sufficient

interest when he seeks to intervene solely for ideological, economic, or precedential reasons; that would-be intervenor merely *prefers* one outcome to the other." *Id.* (emphasis in original).

First, no applicants have a right or property that would be lost by a ruling against the CFPB in this matter. The Rule at issue is not in effect. Nothing will change if the CFPB does in fact not act to protect the Rule.

Second, an artificially clean credit profile is not a protectible legal interest. There is no right under the Constitution, statute, or common law that guarantees a person's right to have truthful information about them suppressed—to the contrary, our Constitution guarantees the right to freedom of speech and weighs against the suppression of accurate information. (*See* Memo. of Law in Supp. of Pls.' Mot. on Appl. for Prelim. Inj., § V.D, pp. 29–35.) Despite this, plaintiffs support the notion that if they do not pay their past due debts, they should have fewer credit report consequences to concern them. This is precisely the ideological and economic purpose for intervention that courts have rejected because it is not concrete, personal, and legally protectible.

Nor are Applicants' interest personal. The potential intervenor must assert "something more than an economic interest;" he must assert an interest in the proceedings that is recognized by the substantive law as belonging to, or being owned by, the party seeking intervention. *New Orleans Pub. Serv., Inc.*, 732 F.2d at 463–64. Here, the individual Applicants are situated the same as all 15 million Americans with medical debt tradelines on their credit reports.

Further, intervention would create inefficiency. The "interest test" acts as "a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994)) (quoting citation omitted). In this context, Applicants do not have an interest under substantive law that makes them any different from 15 million others. Nor would allowing all 15 million people with

medical tradelines to intervene be compatible with efficiency and due process, particularly since the only party with the power to implement and enforce the Rule is the CFPB.

Finally, from a practical perspective, Applicants' intervention is inconsequential. If the CFPB ultimately decides to retract or refuse to enforce the Rule, Applicants' appearance in the instant lawsuit will have no impact or purpose other than to delay the disposition of the matter.

2. The Action's Disposition will not Impair or Impede Applicants' Ability to Protect a Substantial Interest

To intervene as of right, the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest. Applicants with unpaid medical debt on their credit reports—and those whom the associations purport to represent—can achieve the result of an improved credit profile by resolving their past due accounts with the providers and/or waiting for the negative information to become less meaningful to future creditors over time. Intervention here is not Applicants' only remedy to accomplish the same result.

3. Applicants' Concerns about Representation are Speculative

To meet the fourth requirement for intervention, the purported intervenors bear the burden to show that the applicant's interest is inadequately represented by the existing parties to the suit. *See Texas v. U.S.*, 805 F.3d at 661. This circuit's "jurisprudence has created two presumptions of adequate representation that intervenors must overcome." *Id.* (internal quotations omitted). "One presumption arises when the would-be intervenor has the same ultimate objective as a party to the lawsuit." *Id.* (internal quotations omitted). "Another presumption arises when the putative representative is a governmental body or officer charged by law with representing the interests of the intervenor." *Id.* (internal quotations omitted). "If the 'same ultimate objective' presumption applies, the applicant for intervention must show adversity of interest, collusion, or nonfeasance on the part of the existing party to overcome the presumption." *Id.* (internal quotations omitted).

"Similarly, if the government-representative presumption applies, the intervenor must show that its interest is in fact different from that of the governmental entity and that the interest will not be represented by it." *Id.* (internal quotations omitted); *see also City of Houston v. Am. Traffic Sols., Inc.*, 668 F.3d 291, 294 (5th Cir. 2012) ("More important, the public entity must normally be presumed to represent the interest of its citizens and to mount a good faith defense of its laws.").

Here, Applicants share the "same ultimate objective" as the CFPB (to defend the Rule) and the CFPB is clearly a government-representative. Thus, these two facts together create a presumption of adequate representation. *See Texas* 805 F.3d at 661; *see also Hopwood v. State of Texas*, 21 F.3d 603, 605 (5th Cir. 1994) ("[W]here the party whose representation is said to be inadequate is a governmental agency, a much stronger showing of inadequacy is required."). To reject the application of the 'same ultimate objective' and 'government-representative' presumptions—and indeed to overcome those presumptions themselves—Applicants must show "that its interest is **in fact** different from that of the governmental entity and that the interest **will not be represented** by it." *See Texas* 805 F.3d at 661 (emphasis added). Applicants have not and cannot make that showing.

The presumption of adequate representation cannot be overcome by mere speculation. *See Bush v. Viterna*, 740 F.2d 350, 358 (5th Cir. 1984); *see also Jurisich Oysters*, LLC, 2024 WL 4346410 at *4 ("Nor does the mere possibility that a party may at some future time enter into settlement alone establish inadequate representation."). But vague speculation is what Applicants point to repeatedly. In their 20 page Motion to Intervene, Applicants list examples of comments by President Trump or his administration regarding the CFPB at large (such as Elon Musk posting "RIP CFPB" on X or Acting Director Vought asserting that the CFPB will not pull funding from the Federal Reserve in this fiscal year), but Applicants point to no comments at all indicating a

desire to abandon the Final Rule at issue here. (Mot. at 2.) Indeed, despite the political bluster on X by Elon Musk and Acting Director Vought, the CFPB has clearly not died nor ceased operations. Just days after these comments, the CFPB made a motion before this Court seeking to stay these proceedings pending further review.

Moreover, a filing by the CFPB on March 2 confirms that Bureau positions on many litigation issues remain under evaluation:

> Rather than a closure of the agency, Acting Director Vought's new leadership has focused on running a substantially more streamlined and efficient bureau, refocusing its priorities, and "right sizing" the agency. But, from my perspective, a very fluid situation continued during the week of February 10, 2025, as new leadership started to take control. Time was needed for new leadership to refocus the Bureau. By the time of my earlier declaration, however, the situation was somewhat more stable. And now, the Acting Director and Chief Legal Officer are taking time to assess, listen, and explore the state of the Bureau. Based on that assessment, new leadership continues to believe that there are substantially more employees than appropriate for a "right-sized" CFPB. But the new leadership, including the Chief Legal Officer, have taken a methodical approach to handling the Bureau's operations and responding to senior executives who have recommended or requested guidance to perform each of the CFPB's critical statutory responsibilities. *Supplemental Declaration of Adam Martinez*, NTEU v. Vought, Case 1:25-cv-00381-ABJ, Doc. 47-1 (D.C.D.C. filed Mar. 2, 2025).

Though Applicants can argue that it "seems apparent" that the Bureau will not defend the Rule, Applicants point to nothing that would show any degree of certainty in that conclusion. (Mot. at 3.) Conclusory statements, backed up only by broad, generalized complaints against the CFPB as an entity, are not enough to overcome the presumption that the CFPB will "represent the interest of its citizens and . . . mount a good faith defense of its laws." *Am. Traffic Sols., Inc.*, 668 F.3d at 294. Until Applicants can point to *facts* that indicate a change of position *regarding the Rule itself*, Applicants' economic interest in the Rule is adequately defended by the CFPB. Political posturing or postings online are not legal positions in court. There is an open, ready forum for the CFPB to make its legal positions known—the instant litigation. This Court should heed the presumption that the CFPB intends to defend its own Rule until there is evidence indicating otherwise.

B. Applicants Do Not Meet the Requirements for Permissive Intervention and this Court Should Not Grant Permissive Intervention

Applicants lack a claim or defense meeting Rule 24(b)'s commonality requirement and are thus ineligible for permissive intervention. But even if permissible intervention were available to Applicants, this Court should exercise its discretion to deny intervention in order to respect the democratic legitimacy of any policy changes the CFPB may (or may not) make. To begin, Applicants have no constitutional, statutory, or common law right to keep truthful information off consumer credit reports, meaning Applicants lack *their own* claim or defense to advance in this litigation. Applicants' policy goals (and legal theories) are *not* claims or defenses for the purposes of Rule 24(b)'s commonality requirement. *See Braun v. Braun*, No. 322cv00357RJCDCK, 2023 WL 2582616, at *3 (W.D.N.C. Mar. 20, 2023) (denying permissive intervention where movant had "no claim or defense of his own that he share[d] with the main action").

But even if Applicants could satisfy Rule 24(b)'s "claim or defense" requirement, this Court should exercise its discretion and not permit their intervention. This Court must consider (1) "whether the intervention will unduly delay or prejudice the adjudication" of the case, FED. R. CIV. P. 24(b)(3), (2) whether the intervention will significantly contribute to the "relevant factual development of the case," *see New Orleans Pub. Serv.*, 732 F.2d at 473, and (3) the Applicants' motive for intervening in this case, *see Edmondson v. State of Neb. ex rel. Meyer*, 383 F.2d 123, 128 (8th Cir. 1967).

Applicants' intervention will clearly prejudice the current parties in their adjudication of the instant case. The presence of Applicants will make any settlement negotiations between Plaintiffs and the CFPB designed to cure the Rule more challenging. *See Jurisich Oysters, LLC*, 2024 WL 4346410 at *4 ("Nor does the mere possibility that a party may at some future time enter into settlement alone establish inadequate representation."). Moreover, and to be frank, there is

little value Applicants can bring to this case. There is no new factual evidence Applicants can present (review is fixed on the already completed administrative record), and there is no unique expertise that Applicants possess that the CFPB does not. *See Mississippi v. Becerra*, No. 1:22cv113-HSO-RPM, 2023 WL 5668024, at *7 (S.D. Miss. July 12, 2023) (where review limited to agency record, Applicants' "experience with and expertise in discrimination and racial health disparities [could not] add any new facts in [the] case") (internal quotation marks and record citation omitted); *see also Arnesen v. Raimondo*, No. 1:23cv145-TBM-RPM, 2023 WL 6964762, at *3 (S.D. Miss. Oct. 20, 2023) ("Moreover, given the relatively narrow scope of the legal question before the Court . . ., the Court finds Proposed Intervenors would not significantly contribute to the underlying factual issues."), *review denied*, No. 1:23cv145-TBM-RPM, 2024 WL 377820 (S.D. Miss. Jan. 31, 2024).

As Applicants point out, the CFPB and its senior leadership is in the midst of a review of all active legal proceedings and ongoing rulemakings. (Mot. at 17.) That review is ongoing—and as of now, the CFPB has provided no evidence that it seeks to abandon the Rule. But to the extent that Applicants disagree with any future CFPB decision to modify its position on the legality of the Rule, the proper forum for that grievance is not before this Court. If Applicants wish to see any future policy changed, they should advocate for that policy before the CFPB, the administration, or Congress. *United States v. Texas*, 599 U.S. 670, 685 (2023) (holding that "federal courts are not the proper forum to resolve" disputes regarding the Executive Branch's nonenforcement of laws). And if Applicants feel that the CFPB, in its hypothetical change of position in the future, violates the law, Applicants can seek redress before the courts in an action they file themselves upon different factual circumstances.

What this Court should not do, however, is allow Applicants to render meaningless the CFPB's legal positions in court nor usurp the CFPB's role. *If* the CFPB chooses to make a policy change or modify its legal arguments as a result of the new federal administration's policy review, that decision by the Bureau should be permitted to speak for itself, without interference from Applicants. When presidential administrations change hands, policies and legal positions often change as well. This is not—as Applicants imply—a flaw that requires outside groups to intervene in ongoing litigation. Instead, changes in policy and law as the result of election results represent the basic principle of democratic accountability. *United States v. Texas*, 599 U.S. 670, 685 (2023) ("And through elections, American voters can both influence Executive Branch policies and hold elected officials to account for enforcement decisions. In any event, those are political checks for the political process.").[2] In other words, if the CFPB does choose to make a policy change upon its review of all pending actions, which is merely democracy at work. This Court should exercise its discretion to ensure that democracy works (and speaks) as intended and deny Applicants' Motion to Intervene.

V. CONCLUSION

For the reasons stated herein, Plaintiffs respectfully request that this Court deny Applicants' Motion to Intervene.

[2] *See also FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 381 (2024) ("For example, a citizen does not have standing to challenge a government regulation simply because the plaintiff believes that the government is acting illegally. . . . Nor may citizens sue merely because their legal objection is accompanied by a strong moral, ideological, or policy objection to a government action."); *Gov't of Province of Manitoba v. Zinke*, 273 F. Supp. 3d 145, 151 (D.D.C. 2017) ("[T]he Court will not interfere with what is now a policy choice made by the Executive Branch."), *aff'd sub nom. Gov't of Manitoba v. Bernhardt*, 923 F.3d 173 (D.C. Cir. 2019).

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Respectfully submitted,

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Certificate of Service

I certify that on March 5, 2025 I electronically filed the foregoing document(s) using the CM/ECF system and they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system where appropriate.

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