

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

CONSUMER FINANCIAL PROTECTION
BUREAU,

Plaintiff,

v.

CAPITAL ONE FINANCIAL
CORPORATION and CAPITAL ONE,
NATIONAL ASSOCIATION,

Defendants.

Case No. 1:25-cv-61-DJN

**THE CONSUMER FINANCIAL PROTECTION BUREAU’S
EMERGENCY MOTION FOR TEMPORARY STAY OF DEADLINES RELATING TO
POSITIONS ON CONSOLIDATION**

Plaintiff Consumer Financial Protection Bureau (Bureau) hereby submits this Emergency Motion for Temporary Stay of Deadlines Relating to Positions on Consolidation, and states as follows in support:

1. On January 15, 2025, the Court ordered the parties to submit a filing, by February 5, 2025, “addressing whether the instant matter should be consolidated with *In re: Capital One 360 Savings Account Interest Rate Litigation*” (Dkt. No. 2).
2. On January 27, 2025, the Court scheduled a status hearing to discuss consolidation for February 28, 2025 (Dkt. No. 12).
3. On January 31, 2025, President Trump designated Secretary of the Treasury Scott Bessent as Acting Director of the CFPB.
4. To promote consistency with the goals of the new Administration, on February 3, 2025, Acting Director Bessent directed counsel for the Bureau not to make filings or appearances

in any litigation, other than to seek a pause in proceedings.

5. Due to these extraordinary circumstances, and to avoid prejudice to the Bureau, there is good cause to stay the February 5, 2025 deadline for a response to the Court's January 15, 2025 Order, and the February 28, 2025 status hearing on consolidation. Bureau counsel will provide a further update to the Court and counsel for the parties as soon as practicable.

6. The Bureau has conferred with Defendants about this Motion, and they stated that their "view [is] that the case should move forward with consolidated fact discovery" and "[t]herefore, [they] oppose [the Bureau's] request to stay tomorrow's deadline to file a brief on consolidation, as well as to stay the February 28 hearing date."

WHEREFORE, the Bureau respectfully requests that the Court grant its emergency motion to enter a temporary stay of the February 5, 2025 deadline for a response to the Court's January 15, 2025 Order, and the February 28, 2025 status hearing on consolidation.

Dated February 4, 2025

Respectfully submitted,

ERIC HALPERIN
Enforcement Director

THOMAS H. KIM
Deputy Enforcement Director

ZACH MASON
Assistant Deputy Enforcement Director

/s/ Tassity Johnson
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ATTORNEYS FOR THE CONSUMER
FINANCIAL PROTECTION BUREAU

CERTIFICATE OF SERVICE

I hereby certify that on the 4th of February, 2025, I caused true and correct copies of the foregoing Emergency Motion to be served electronically via CM/ECF on all participants in the case that are registered CM/ECF users.

/s/ Tassity Johnson
Tassity Johnson