

EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

FORCHT BANK, N.A., et. al.,)	
)	
Plaintiffs,)	Civil Action No. 5: 24-304-DCR
)	
V.)	
)	
CONSUMER FINANCIAL)	ORDER
PROTECTION BUREAU, et. al.,)	
)	
Defendants.)	

*** **

American FinTech Council (“AFC”) has filed a motion for leave to file a memorandum of law in support of Intervenor Defendant Financial Technology Association’s (“FTA”) motion for summary judgment as an *amicus curiae*. [Record No. 70]

As the Court has recognized previously, participation of an *amicus curiae* is “a privilege within the sound discretion of the courts, depending upon a finding that the proffered information of *amicus* is timely, useful, or otherwise necessary to the administration of justice.” *BancInsure, Inc. v. U.K. Bancorporation Inc./United Kentucky Bank of Pendleton County, Inc.*, 830 F. Supp. 2d 294, 307 (E.D. Ky. 2011) (quoting *United States v. Michigan*, 940 F.2d 143, 165 (6th Cir. 1991)). Further, the proper role of an *amicus* is “to aid the Court in resolving doubtful issues of the law rather than present[ing] a partisan view of the facts.” *Id.*

AFC argues that its members bring unique and differing perspectives to the case. However, it appears that although AFC is comprised of smaller banks and credit unions “focused on supporting the fintech ecosystem,” it ultimately argues against complete vacatur

of the Final Rule in issue, which is the same position espoused by FTA. Further, its proposed memorandum of law largely addresses the same issues raised by FTA, including (1) the scope of the word “consumer” under the Consumer Financial Protection Act of 2010, (2) the Consumer Financial Protection Bureau’s statutory authority to promulgate the Final Rule, and (3) whether elements of the Final Rule are arbitrary and capricious.

Accordingly, it is hereby

ORDERED that American FinTech Council’s “Motion for Leave *Instantly* to file *Amicus* Brief in Support of Defendant Financial Technology Association” [Record No. 70] is **DENIED**.

Dated: July 7, 2025.



A handwritten signature in black ink, appearing to read "Danny C. Reeves".

Danny C. Reeves, District Judge
United States District Court
Eastern District of Kentucky