

No. 24-10367

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TEXAS BANKERS ASSOCIATION, et al.,

Plaintiffs-Appellees,

v.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, et al.,

Defendants-Appellants

**MOTION TO
VOLUNTARILY DISMISS APPEAL IN PART**

Appellants the Office of the Comptroller of the Currency and the Comptroller of the Currency (collectively, the “OCC”) and the Federal Deposit Insurance Corporation and its Chairman (collectively, the “FDIC”) respectfully move to voluntarily dismiss this appeal as it pertains to the OCC and FDIC with each party to bear their own respective costs and fees. The OCC and FDIC no longer wish to pursue this appeal, which seeks review of the district court’s memorandum opinion and order granting Appellees’ motion for a preliminary injunction. *See Tex. Bankers Ass’n v. Off. of the Comptroller*, 728 F. Supp. 3d 412, 416 (N.D. Tex. 2024). Appellants the Board of Governors of the Federal Reserve System and its Chairman (collectively, the “Federal Reserve”) do not join in this motion.

Appellees, through counsel, have informed the OCC and FDIC that they take no position with respect to the relief sought by this motion. The Federal Reserve, through counsel, has informed the OCC and FDIC that it takes no position with respect to the relief sought by this motion.

* * *

WHEREFORE, the OCC and FDIC respectfully request that the Court dismiss this appeal as it pertains to the OCC and FDIC with each party to bear their own respective costs and fees.

/s/ Peter C. Koch

Adam J. Cohen, Chief Counsel
Will C. Giles, Principal Deputy Chief Counsel
Brian P. Hudak, Deputy Chief Counsel
Peter C. Koch, Director for Litigation
Jason E. Friedman, Assistant Director, Litigation
Ashley W. Walker, Special Counsel, Litigation
Office of the Comptroller of the Currency
400 Seventh Street SW, Mailstop 9E-1
Washington, DC 20219
peter.koch@occ.treas.gov
(202) 649-6313

*Counsel for Defendants-Appellants Office of the
Comptroller of the Currency and Jonathan V. Gould,
in his Official Capacity*

/s/ Michelle Ognibene

Matthew P. Reed, General Counsel
Dominic A. Arni, Acting Deputy General Counsel
J. Scott Watson, Senior Counsel
Michelle Ognibene, Counsel
Federal Deposit Insurance Corporation
3501 Fairfax Drive
Arlington, VA 22226-3500
mognibene@fdic.gov
Phone: (703) 562-2121

*Counsel for Defendants-Appellants Federal Deposit
Insurance Corporation and Travis Hill, in his
Official Capacity*

CERTIFICATE OF COMPLIANCE

The foregoing complies with Federal Rule of Appellate Procedure 27(d), in that it contains 209 words (excluding the caption, title, signature blocks, and certificates of counsel as discussed in Federal Rules of Appellate Procedure 32(f)), is in fourteen-point font, and utilizes Times New Roman.

/s/ Peter C. Koch

Peter C. Koch

CERTIFICATE OF SERVICE

This same date the foregoing was served on all parties to this appeal through the Court's CM/ECF system.

/s/ Peter C. Koch

Peter C. Koch