



1700 G Street NW, Washington, D.C. 20552

February 28, 2025

Hon. Michael J. Roemer
U.S. Magistrate Judge
2 Niagara Square, 5th Floor
Buffalo, NY 14202

RE: *CFPB et al. v. StratFS, LLC et al.*, No. 24-cv-40-EAW-MJR (W.D.N.Y.)

Dear Magistrate Judge Roemer,

On January 31, 2025, President Trump designated Secretary of the Treasury Scott Bessent as Acting Director of the Consumer Financial Protection Bureau (CFPB). To promote consistency with the goals of the new Administration, on February 3, 2025, Acting Director Bessent directed Bureau counsel not to make any filings or appearances in litigation except to seek a pause in proceedings. Accordingly, on February 4, the CFPB sought a temporary stay of deadlines including the February 10, 2025 deadline for post-hearing briefing in connection with the evidentiary hearing held by Magistrate Judge Roemer on January 23-24, 2025 (*see* Dkt. 590). On February 5, this Court denied the Bureau's stay motion but granted an extension of time of the briefing schedule and oral argument addressing the Plaintiffs' motion for a preliminary injunction, extending the deadline for simultaneous briefing to February 24, 2025 (*see* Dkt. 604).

On February 7, 2025, President Trump designated Russell Vought, Director of the Office of Management and Budget, as Acting Director of the CFPB, replacing Secretary Bessent. On February 8, 2025, Acting Director Vought reiterated Secretary Bessent's instruction to all CFPB staff not to make or approve filings or appearances by the Bureau in any litigation, other than to seek a pause in proceedings. Accordingly, on February 12, the CFPB sought an extension of the February 14, 2025 deadline for responding to Defendant's Cross-Motion Requesting an Order Directing Plaintiffs and the Receiver to Take Certain Actions (*see* Dkt. 609). On February 19, this Court denied the CFPB's motion (*see* Dkt. 617).

In light of these on-going transition activities, the CFPB did not timely file post-hearing briefing or respond to the cross-motion.

At this time, however, the CFPB writes to provide notice to the Court and parties that it agrees with and adopts the position of co-Plaintiffs, the People of the State of New York by Letitia James, Attorney General of the State of New York, the State of Colorado ex rel. Philip J. Weiser, the State of Delaware ex. rel. Kathleen Jennings, Attorney General of the State of Delaware, the People of the State of Illinois through Attorney General Kwame Raoul, the State of Minnesota by its Attorney General Keith Ellison, the State of North Carolina ex rel. Jeff Jackson, Attorney

General, and the State of Wisconsin, and would sign-on to the papers they filed on February 14 and 24, 2025 (Dkts. 614 and 623), if this Court were to permit the CFPB to do so. The CFPB intends to attend the March 6 hearing on the underlying motions.

Respectfully,

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Chief Legal Officer

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Consumer Financial Protection Bureau