



OFFICE OF THE ATTORNEY GENERAL
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May 7, 2026

Christopher G. Conway
Clerk of the Court
United States Court of Appeals for the Seventh Circuit
219 South Dearborn Street
27th Floor
Chicago, Illinois 60604

Re: *Ill. Bankers Ass'n v. Raoul*, Nos. 26-1354, 26-1371, 26-1440, 26-1441

Dear Mr. Conway:

Defendant-Appellee/Cross-Appellant Kwame Raoul, Attorney General for the State of Illinois submits this response to the Fed. R. App. P. 28(j) letter submitted by Plaintiffs-Appellants/Cross-Appellees on May 6, 2026. For the following reasons, the split decision in *Cantero v. Bank of Am.*, ___ F.4th ___, 2026 WL 1217467 (2d Cir. May 5, 2026), does not support plaintiffs' preemption claim.

First, *Cantero* addressed a New York law requiring banks to pay interest on mortgage escrow accounts, which directly affected national banks' authority to make loans "secured by liens on interests in real estate" under the National Bank Act. *Id.* at *6 (quoting 12 U.S.C. § 371(a)). By contrast, the National Bank Act does not expressly authorize national banks to pass on interchange fees set by payment card networks.

Second, the *Cantero* majority placed great emphasis on Congress's "extensive[] regulat[ion]" of escrow accounts in other statutes, which either did not require interest to be paid or required interest to be paid "for certain mortgage-

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escrow accounts, but not those at issue.” *Id.* at *7. Here, no federal law extensively regulates interchange fees.

Third, the *Cantero* majority absolved the plaintiffs of any requirement to present “record evidence of a law’s real-world effects,” *id.* at *12, n.5, and, consequently, concluded that New York’s law significantly interfered with national banks’ authority based on “platitudes and conclusions without explanation,” *id.* at *15 (Pérez, J., dissenting). That approach ignores that the “practical” effects of a state law determine whether it significantly interferes with a national bank’s powers. *Cantero v. Bank of Am.*, 602 U.S. 205, 219-20 (2024); *accord Conti v. Citizens Bank, N.A.*, 157 F.4th 10, 25 (1st Cir. 2025).

Accordingly, *Cantero* does not support plaintiffs’ contention that the National Bank Act preempts section 150-10(a) of the Interchange Fee Prohibition Act, 815 ILCS 151-150-10(a).

Very best regards,

/s/ Carson R. Griffis

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CERTIFICATE OF COMPLIANCE

This letter complies with Federal Rule of Appellate Procedure 28(j) because its body contains 296 words.

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on May 7, 2026, I electronically filed the foregoing Letter with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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