

IN THE SUPREME COURT OF THE UNITED STATES

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No. 19-7

SEILA LAW LLC, PETITIONER

v.

CONSUMER FINANCIAL PROTECTION BUREAU

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UNOPPOSED MOTION OF PETITIONER FOR DIVIDED ARGUMENT  
AND ENLARGEMENT OF TIME FOR ARGUMENT

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Pursuant to Rules 21 and 28.4 of the Rules of this Court, petitioner respectfully moves for an enlargement of the time allotted to oral argument and for the division of argument among the parties and the court-appointed amicus curiae as set forth below. Petitioner has consulted with both the government and the court-appointed amicus, and each consents to this motion and to the proposed structure for oral argument set out below.

1. This case presents two important and substantial questions. The first question is the one presented by the petition: whether the vesting of significant executive authority in the Consumer Financial Protection Bureau (CFPB), an independent agency led by a single director, violates the separation of powers. Upon granting certiorari, the Court added a second question concerning the appropriate remedy should petitioner prevail:

specifically, whether the restriction on the President's ability to remove the Director of the CFPB, 12 U.S.C. 5391(c)(3), can be severed from the remainder of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act).

Petitioner and the government agree on the question presented by the petition, but disagree on the question added by the Court. Petitioner contends that the structure of the CFPB is unconstitutional and that the appropriate remedy in this case is to reverse the judgment below and either to decline to reach the question of severability or to hold that the restriction on removal of the CFPB's Director is not severable. The government agrees with petitioner that the removal restriction violates the separation of powers but argues that the Court should hold that the restriction is also severable from the rest of the Dodd-Frank Act, and then vacate the judgment below and remand for further proceedings. The Court appointed an amicus curiae to defend the judgment below on the question presented by the petition.

2. This case presents unusual circumstances for oral argument, both because petitioner and the government are largely aligned on the first question presented but not the second and because the court-appointed amicus is addressing only the first question. Accordingly, the parties and the court-appointed amicus have conferred about the appropriate structure for oral argument. All involved agree that divided argument is warranted among

petitioner, the government, and the court-appointed amicus. Because petitioner and the government are adverse to each other on the question of remedy, however, it would not be appropriate simply to divide the time evenly between petitioner and the government, on the one hand, and the court-appointed amicus, on the other. A modest amount of additional time should be allocated to petitioner and the government to argue their respective positions on the second question presented -- a question on which the court-appointed amicus takes no position.

3. In order to accommodate the need for the parties to set out their competing positions on the second question presented while affording the court-appointed amicus sufficient time to argue his position on the first question presented, petitioner moves to extend the time for oral argument by 10 minutes (to a total of 70 minutes). That modest extension would allow the parties fully to address the complex and important issues in this case, which the District of Columbia Circuit in PHH Corp. v. CFPB, 881 F.3d 75 (2018), addressed over 125 pages of the Federal Reporter. Should the Court grant that request, petitioner further proposes the following structure for argument: 20 minutes for petitioner, 20 minutes for the government, and 30 minutes for the court-appointed amicus.\*

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\* Petitioner understands that the United States House of Representatives intends to seek argument time as an additional amicus curiae supporting the judgment below. Should the Court

Respectfully submitted,

KANNON K. SHANMUGAM  
Counsel of Record  
PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP  
2001 K Street, N.W.  
Washington, DC 20006  
(202) 223-7300

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grant that motion, the House would presumably be allotted time otherwise allotted to the court-appointed amicus.