UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION

FORCHT BANK, N.A., KENTUCKY BANKERS ASSOCIATION, and BANK POLICY INSTITUTE,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION BUREAU and RUSSELL VOUGHT, in his official capacity,

Defendants.

No. 5:24-cv-304-DCR

PLAINTIFFS' RESPONSE TO THE FINANCIAL TECHNOLOGY ASSOCIATION'S RENEWED MOTION TO INTERVENE

Pursuant to the Court's May 5, 2025 order, ECF No. 52, Plaintiffs respectfully submit this response to the renewed motion to intervene filed by the Financial Technology Association (FTA). *See* ECF No. 43.

On March 26, 2025, the parties jointly requested an additional 60-day stay of proceedings in this action to permit the CFPB's new leadership to complete its review of the Rule challenged in this case. ECF No. 42. The FTA filed its renewed motion to intervene later that same day. The Court granted the 60-day stay on March 27, 2025, ECF No. 45, which remains in effect other than for the limited purpose of allowing the parties to respond to the FTA's motion. Under the circumstances of this case, Plaintiffs

do not oppose the FTA's participation in this matter to make arguments in defense of the Rule, whether as an intervenor or an amicus.

Respectfully submitted,

May 12, 2025

Timothy A. Schenk (KY Bar #92011)
KENTUCKY BANKERS ASSOCIATION
600 W Main Street #400
Louisville, KY 40202
Tel: (502) 582-2453
tschenk@kybanks.com

John Court*
Paige E. Pidano*
BANK POLICY INSTITUTE
1300 I Street NW, Suite 1100 West
Washington, D.C. 20005
Tel: (202) 289-4322
john.court@bpi.com
paige.paridon@bpi.com

* Admitted *pro hac vice*

John T. McGarvey (KY Bar #46230)
MORGAN POTTINGER MCGARVEY
401 South Fourth Street, Suite 1200
Louisville, KY 40202
(502) 560-6759
jtm@mpmfirm.com

/s/ Judson O. Littleton*
Jeffrey B. Wall*
Judson O. Littleton*
Nathan H. Golden*
SULLIVAN & CROMWELL LLP
1700 New York Avenue, N.W.
Washington, D.C. 20006
Tel: (202) 956-7000
wallj@sullcrom.com
littletonj@sullcrom.com
goldenn@sullcrom.com

Robert A. Flatow*
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Tel: (212) 558-4000
flatowr@sullcrom.com

Counsel for Plaintiffs Forcht Bank, N.A., Kentucky Bankers Association, and Bank Policy Institute

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2025, I electronically filed this Response with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Judson O. Littleton

Co-counsel for Plaintiffs Forcht Bank, N.A., Kentucky Bankers Association, and Bank Policy Institute