

[EN BANC ORAL ARGUMENT SCHEDULED FOR MAY 24, 2017]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PHH CORPORATION, et al.,

Petitioners,

v.

CONSUMER FINANCIAL PROTECTION  
BUREAU,

Respondent.

No. 15-1177

**UNOPPOSED MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT**

We respectfully request ten minutes of argument time for the United States in this en banc case. Counsel for petitioner and for the Consumer Financial Protection Bureau have authorized us to represent that this motion is unopposed.

1. This is a petition for review of agency action by the Consumer Financial Protection Bureau (CFPB). A panel of this Court granted the petition for review and vacated the CFPB's order, concluding, among other things, that the statute limiting the President's authority to remove the

CFPB's Director was unconstitutional. Acting through its own attorneys, *see* 12 U.S.C. § 5564(b), the CFPB filed a rehearing petition. This Court invited the Solicitor General to file a brief expressing the views of the United States, and the United States urged the Court to grant the rehearing petition.

After this Court granted rehearing en banc, the United States filed an amicus brief. The United States agrees with petitioner PHH Corp. that the for-cause removal provision is unconstitutional, but agrees with the CFPB that the proper remedy is to sever the unconstitutional provision and leave the remainder of the statute intact.

Oral argument is scheduled for May 24, 2017. This Court has allocated 30 minutes per side for the argument.

2. We respectfully request leave to present oral argument in support of the position taken by the United States. The United States has a unique interest in the resolution of the question presented, which centers on the validity of a statutory limitation on the President's authority.

We seek ten minutes of argument time. As noted above, our position in this case does not fully align with either party. We therefore request

that, instead of sharing time with either party, we receive a total of ten minutes for the United States.

We have consulted with counsel for petitioner and for the Consumer Financial Protection Bureau, each of whom consents to this motion.

Respectfully submitted,

DOUGLAS N. LETTER  
MARK B. STERN

*s/ Daniel Tenny*

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APRIL 2017

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the requirements of Federal Rule of Appellate Procedure 27(d). This motion was prepared in 14-point Book Antiqua font and contains 329 words.

*s/ Daniel Tenny*

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Daniel Tenny

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2017, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

*s/ Daniel Tenny*

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Daniel Tenny