

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MISSISSIPPI BANKERS ASSOCIATION,
409 W. Parkway Pl.,
Ridgeland, MS 39157

CONSUMER BANKERS ASSOCIATION,
1225 New York Ave., NW, Suite 1100
Washington, D.C. 20005

AMERICAN BANKERS ASSOCIATION
1333 New Hampshire Ave. NW,
Washington, DC 20036

AMERICA'S CREDIT UNIONS
4703 Madison Yards Way, Suite 300
Madison, WI 53705

ARVEST BANK
75 North East Street
Fayetteville, AR 72701

BANK OF FRANKLIN
9 Main Street
Meadville, MS 39653

THE COMMERCIAL BANK
P.O. Box 217
175 Hopper Avenue
DeKalb, MS 39328

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU and ROHIT CHOPRA in his
official capacity as Director of the CFPB,
1700 G. St. NW, Washington, DC 20552

Defendants.

Civil Action No. 3:24cv792-CWR-LGI

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65 and the Administrative Procedure Act, 5 U.S.C. § 705, Plaintiffs in the above-captioned action move the Court to issue a preliminary injunction enjoining the Consumer Financial Protection Bureau’s Final Rule titled Overdraft Lending: Very Large Financial Institutions (“Final Rule”) in its entirety, and extending the compliance deadline day-for-day with the injunction. Plaintiffs would show:

1. Plaintiffs hereby incorporate by reference their accompanying Memorandum of Law, including all arguments, authority, and evidence cited therein.

2. Plaintiffs also submit and rely upon the following exhibits:

- a. Exhibit 1, 28 U.S.C. § 1746 Declaration of the Consumer Bankers Association
- b. Exhibit 2, 28 U.S.C. § 1746 Declaration of Anonymous Bank A
- c. Exhibit 3, 28 U.S.C. § 1746 Declaration of the Mississippi Bankers Association
- d. Exhibit 4, 28 U.S.C. § 1746 Declaration of Arvest Bank
- e. Exhibit 5, 28 U.S.C. § 1746 Declaration of the American Bankers Association
- f. Exhibit 6, 28 U.S.C. § 1746 Declaration of Anonymous Credit Union B
- g. Exhibit 7, 28 U.S.C. § 1746 Declaration of America’s Credit Unions

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully submit that the Court should grant their Motion for Preliminary Injunction, enjoin the Final Rule in its entirety, and extend the compliance deadline day-for-day with the injunction. Plaintiffs also pray for such additional, alternative, or supplemental relief as may be appropriate in the premises.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Respectfully submitted, this the 18th day of December 2024.

PLAINTIFFS MISSISSIPPI BANKERS ASSOCIATION,
CONSUMER BANKERS ASSOCIATION, AMERICAN
BANKERS ASSOCIATION, AMERICA'S CREDIT UNIONS,
ARVEST BANK, BANK OF FRANKLIN, AND THE
COMMERCIAL BANK

By: s/ E. Barney Robinson III (MSB #09432)

E. Barney Robinson III (MSB #09432)

Benjamin M. Watson (MSB #100078)

Samuel D. Gregory (MSB #104563)

PLAINTIFFS' COUNSEL

OF COUNSEL:

BUTLER SNOW LLP

200 Renaissance at Colony Park, Suite 1400

1020 Highland Colony Parkway (39157)

Post Office Box 6010

Ridgeland, MS 39158-6010

(P) (601) 948-5711

(F) (601) 985-4500

(E) barney.robinson@butlersnow.com

(E) ben.watson@butlersnow.com

(E) sam.gregory@butlersnow.com

CERTIFICATE OF SERVICE

I, E. Barney Robinson III (MSB #09432), an attorney for Plaintiffs, do hereby certify that on December 18, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification to all counsel of record.

s/ E. Barney Robinson III (MB # 09432)
E. Barney Robinson III (MB # 09432)