

[Banking and Finance Law Daily Wrap Up, CONSUMER FINANCIAL PROTECTION BUREAU—Interested organizations press argument to intervene in PHH Corp.’s appeal, \(Mar. 6, 2017\)](#)

Banking and Finance Law Daily Wrap Up

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By [Andrew A. Turner, J.D.](#)

Denying permission to intervene in the *en banc* rehearing of *PHH Corp. v. CFPB* to parties in other litigation also challenging the constitutionality of the Consumer Financial Protection Bureau would cause unnecessary delay and waste judicial resources, according to the organizations seeking intervention. The [reply](#) to PHH’s opposition to a motion to intervene by State National Bank of Big Spring and two conservative advocacy groups argued their participation was warranted since they cannot litigate their constitutional claims until identical claims are decided in this case.

PHH [contends](#) that the intervention motion by the bank and the two organizations who agree with PHH on the separation-of-powers question is an unwarranted attempt to gain control of the litigation from the actual litigants (see [Banking and Finance Law Daily](#), Feb. 28, 2017). In its request to intervene, the bank expressed its concern that the appellate court could choose to decide the *PHH Corp.* appeal on strictly statutory grounds that would deprive it of the opportunity for a quick, binding decision on the separation of powers issue that is presented in their own case against the CFPB (see [Banking and Finance Law Daily](#), Feb. 15, 2017).

In another development in the litigation, at the request of the Solicitor General, the United States has sought [leave to file](#) an *amicus* brief in an unopposed motion. With the dispute over whether the statute limiting the President’s authority to remove the CFPB’s Director was unconstitutional, it was noted that "the views of the United States on matters involving the President’s removal power are not always entirely congruent with the views of independent agencies."

Companies: Competitive Enterprise Institute; PHH Corporation; 60 Plus Association; State National Bank of Big Spring

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