Court of Appeals Docket No. 17-56324

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEILA LAW, LLC,
Appellant,

v.

CONSUMER FINANCIAL PROTECTION BUREAU,
Appellee.

On Appeal from the United States District Court
Central District of California, Case No. 8:17-cv-01081-JLS(JEM)
Honorable Josephine L. Staton

REPLY BRIEF OF APPELLANT SEILA LAW, LLC

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I. PRELIMINARY STATEMENT

The CFPB[1] puts forth two primary arguments in defense of its attempt to enforce the invalid CID against Seila Law. First, the CFPB argues that the Acting Director, Mick Mulvaney, ratified the CFPB's issuance of the CID, and that purported ratification somehow cures or excuses the CFPB's constitutional defects. Second, the CFPB argues that its unique and novel single director, for-cause removal structure is permitted under existing precedent. The Court should reject both arguments.

First, there is no evidence that Mulvaney ratified the CFPB's issuance of the CID to Seila Law in this case. Indeed, Mulvaney appears to *agree* with Seila Law's position on appeal. Specifically, Mulvaney agrees that the CFPB "is far too powerful, and with precious little oversight of its activities," that under the CFPA the Director "simultaneously serves in three roles: as a one-man legislature empowered to write rules to bind parties in new ways; as an executive officer subject to limited control by the President; and as an appellate judge presiding over the [CFPB]'s in-house court-like adjudications," and that the CFPB's structure results in it being "an agency primed to ignore due process and abandon the rule of law in favor of bureaucratic fiat and administrative absolutism." *Semi-annual report of the*

[1] All capitalized terms have the meaning given to them in Seila Law's Opening Brief (the "Opening Brief" or "OB"), filed November 30, 2017, unless otherwise indicated.

Bureau of Consumer Financial Protection, MESSAGE FROM MICK MULVANEY (Apr. 2018).[2] But even if Mulvaney did somehow "ratify" the CFPB's issuance of the CID to Seila Law, such ratification would be inconsequential because the CFPB cannot cure its own unconstitutional structure simply by ratifying the issuance of the CID and all the actions the CFPB has taken to attempt to enforce it.

Second, the CFPB misconstrues existing Supreme Court precedent. The Supreme Court has recognized only two, narrow exceptions to the rule that unfettered removal power is part and parcel with the President's appointment power under Article II. The CFPB does not fit into either of those narrow exceptions. Rather, the CFPB's novel structure and lack of historical precedent creates precisely the type of "new situation" the Supreme Court has found to be unconstitutional. *See, e.g.*, *Free Enter. Fund v. PCOAOB*, 561 U.S. 477, 483, 496 (2010).

For these reasons, and those set forth more fully below and in the Opening Brief, the Court should reverse and vacate the district court's order enforcing the CID.

II. ARGUMENT

A. The CFPB's Ratification/Mootness Argument Fails.

The CFPA imposes a for-cause limitation on the President's power to remove

[2] Available at https://www.consumerfinance.gov/data-research/research-reports/semi-annual-report-fall-2017 (last visited May 9, 2018).

the Director. *See* CFPA § 1011(c)(3); 12 U.S.C. § 5491(c)(3). The district court ruled that this limitation on the President's removal power is constitutional. *See* ER 4-5. The CFPB contends that the Court should ignore the constitutional defects this limitation creates because Mulvaney purportedly "ratified" the CFPB's decision to issue the CID and try to enforce it. But Mulvaney's alleged ratification of the CFPB's actions as they relate to the CID does not cure the CFPB's unconstitutional structure or moot this appeal, for several reasons.

1. The CFPB Fails To Identify Any Evidence Supporting Its Assertion That There Has Been Ratification.

The CFPB summarily argues that Acting Director Mulvaney reviewed and ratified the CFPB's decisions related to the CID at issue in this appeal. *See* RB at 10. However, the CFPB points to no evidence supporting its bald assertion that Mulvaney has ratified its actions with respect to the CID. For this reason alone, the Court should reject the CFPB's ratification argument. *See Kyocera Corp. v. Prudential-Bache Trade Servs., Inc.*, 341 F.3d 987, 1002 (9th Cir. 2003) (statements in appellate briefs are not evidence); *see also O'Bannon v. NCAA*, 802 F.3d 1049, 1067 n.11 (9th Cir. 2015) (declining to place any weight on an assertion in an appellate brief where it was not supported by evidence).

The CFPB's failure to present evidence supporting its ratification argument here stands in stark contrast with its prior conduct when making the ratification argument in other cases. For example, in *CFPB v. Ocwen Financial Corp.*, No.

9:17-cv-80495-KAM (S.D. Fla) and *CFPB v. All Am. Check Cashing, Inc.*, No. 3:16-cv-00356-WHB-JCG (S.D. Miss.), the CFPB filed declarations by Mulvaney, under penalty of perjury, in which he testified to his ratification of particular decisions by the CFPB. *See Ocwen Fin. Corp.*, Dkt. 52-1 (Mulvaney Decl., Feb. 5, 2018); *see also All Am. Check Cashing, Inc.*, Dkt. 231-1 (Mulvaney Decl., Feb. 5, 2018). In fact, while the CFPB cites to *CFPB v. Gordon*, 819 F.3d 1179 (9th Cir. 2016) in support of its ratification argument, it fails to address a critical distinction between that case and this one. Specifically, in *Gordon*, the CFPB published a Notice of Ratification in the Federal Register, signed by the Director at the time. *See* 78 Fed. Reg. 53,734 (Aug. 2013). The CFPB can point to no similar ratification here, rendering its reliance on *Gordon* misplaced.

2. The Acting Director's Own Words Establish That Rather Than Ratifying The CID, The Acting Director Agrees With Seila Law's Position In This Appeal.

The CFPB's failure to point to any evidence supporting its ratification argument is not surprising, because Acting Director Mulvaney has in fact issued official statements *supporting* Seila Law's arguments in this appeal. Specifically, in Mulvaney's own words:

> As has been evident since the enactment of the Dodd-Frank Act, the [CFPB] is far too powerful, and with precious little oversight of its activities. Per the statute, in the normal course the [CFPB]'s Director simultaneously serves in three roles: as a one-man legislature empowered to write rules to bind parties in new ways; as an executive officer subject to limited control by the

> President; and as an appellate judge presiding over the [CFPB]'s in-house court-like adjudications . . . By structuring the [CFPB] the way it has, Congress established an agency primed to ignore due process and abandon the rule of law in favor of bureaucratic fiat and administrative absolutism.
> …
> Such continued frustration with the [CFPB]'s lack of accountability to any representative branch of government should be a warning sign that a lapse in democratic structure and republican principles has occurred.

Semi-annual report of the Bureau of Consumer Financial Protection, MESSAGE FROM MICK MULVANEY (Apr. 2018).

Seila Law agrees with Acting Director Mulvaney's statement, which echoes arguments raised in Seila Law's Opening Brief. *See* OB at 15-32. As the "Framers recognized," the Separation of Powers provides "structural protections against abuse of power [and is] critical to preserving liberty." *Free Enter. Fund*, 561 U.S. at 501. Mulvaney's statement reflects his recognition that the CFPB, as structured, represents an unprecedented accumulation of power in the Director. But "the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny." *City of Arlington Tex. V. FCC*, 569 U.S. 290, 312 (2013) (Roberts, C.J., dissenting).

3. The CFPB's Unconstitutional Structure And Acts Cannot Be Cured Through Its Purported Self-Ratification.

Acting Director Mulvaney cannot take any action that will cure the CFPB's unconstitutionality. Whether or not the CFPB, through Mulvaney, approves of its

own prior conduct with respect to the CID, or its continued efforts to enforce the CID, is of no moment; the unconstitutional CFPB cannot ratify its own unconstitutional structure or conduct.

The CFPB argues that because Mulvaney is supervised by the President and can be removed at will, and because Mulvaney purportedly ratified the CFPB's actions with respect to Seila Law, the CFPB's constitutional defects are somehow cured. Not so. "[T]he separation of powers does not depend on the views of individual Presidents, nor on whether 'the encroached upon branch approves the encroachment.'" *Free Enter. Fund*, 561 U.S. at 497 (citation omitted) (quoting *New York v. United States*, 505 U.S. 144, 182 (1992)). Indeed, the "separation of powers is a structural safeguard rather than a remedy to be applied only when specific harm, or risk of specific harm, can be identified." *Plaut v. Spendthrift Farm, Inc.* 514 U.S. 211, 239 (1995).

The CFPB's reliance on *Gordon* to argue otherwise, *see* RB at 14-17, is misplaced. First, as noted above, a critical fact distinguishing *Gordon* from this case is that, unlike in *Gordon*, here there is no evidence of ratification. Second, *Gordon* dealt with an Appointments Clause challenge to former Director Cordray's recess appointment, not a challenge to the constitutionality of the CFPB under the CFPA. Specifically, former Director Cordray, who was validly confirmed in July 2013, ratified prior acts taken after his invalid recess appointment in January 2012.

Gordon, 819 F.3d at 1186. *Gordon* thus has no application to this case, since there the ratification was deemed effective because the defect at issue was in Cordray's invalid recess appointment, which was subsequently cured through his valid confirmation.

Here, conversely, the issue presented is the Article II defect in the CFPB itself. This defect existed before Mulvaney was appointed Acting Director, and persists to this day. As the Supreme Court has observed, "it is essential that the party ratifying should be able . . . to do the act ratified at the time the act was done." *FEC v. NRA Political Victory Fund*, 513 U.S. 88, 98 (1994) (*quoting Cook v. Tullis*, 85 U.S. 332, 338 (1873)). The CFPB's citation to *FEC v. Legi-Tech, Inc.*, 75 F.3d 704 (D.C. Cir. 1996), *see* RB at 17, to argue that the CFPB's unconstitutional acts before Mulvaney was appointed can nonetheless be ratified, is mistaken. As the dissent in *Gordon* pointed out, "*Legi-Tech* held that a *properly* constituted FEC had the authority to continue an enforcement action . . . ." *Gordon*, 819 F.3d at 1202 n.5 (Ikuta, J., dissenting) (emphasis in original). Here, Mulvaney's appointment as Acting Director does not cure the CFPB's unconstitutional structure, so there remains no "properly constituted" CFPB.[3]

[3] To its credit, the CFPB candidly acknowledges that in *FEC v. NRA Political Victory Fund*, 513 U.S. 88 (1994), the Supreme Court confirmed this principle by observing that in order for an agent to ratify an action on behalf of its principal, the principal must have had the authority to do the act at the time it was initially done. *See* RB at 18. However, the Court must reject the CFPB's invitation to disregard

4. The Director's Resignation And The President's Appointment Of The Acting Director Does Not Moot This Appeal, Even If The Acting Director Has Ratified The CFPB's Conduct Regarding Seila Law.

Even if the CFPB provided evidence supporting ratification and ratification could cure the CFPB's constitutional defects, this appeal would not be mooted because the separation of powers violation here is capable of repetition yet evading review. The CFPB's organic statute remains unchanged, and the Acting Director is only temporary. Indeed, by statute, Mulvaney can only serve as Acting Director "for no longer than 210 days beginning on the date the vacancy occurs," with additional time added once a Director nomination is pending. 5 U.S.C. § 3346(a). That 210-days expires in June 2018. Once a new Director is confirmed or Mulvaney's term expires, the CFPB will once again be led by a principal officer removable only for cause. And the CFPB has all but confirmed that Seila Law will be subject to continued CFPB enforcement in the future, stating in its Responsive Brief that "the Court need not address Seila Law's challenge to the CFPA's for-cause removal provision" because "[t]o the extent Seila Law wishes to present a constitutional objection to any future Bureau enforcement action that might arise out of this investigation, it will have a full opportunity to mount that defense if and when the

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the word of the Supreme Court and supplant it with the Third Restatement. Regardless, the CFPB's reliance on the Third Restatement is also misguided because in *Gordon*, the Court applied the Second Restatement, and observed that the Third Restatement was "less 'stringent' than the Second." *Gordon*, 819 F.3d at 1191.

Bureau brings such an action." RB at 19. Thus, there is "a 'reasonable expectation' or a 'demonstrated probability' that the same controversy will recur involving the same complaining party." *Murphy v. Hunt*, 455 U.S. 478, 482 (1982) (per curium).[4]

B. The CFPB's Structure Violates Article II Of The Constitution.

The CFPB argues that binding precedent affirms the constitutionality of its structure. Notably, however, the CFPB refuses to even take the position that this precedent, as the CFPB interprets and urges the Court to apply it, is correctly decided. *See* RB, at 20 n.2 ("The Bureau does not take a position on whether existing Supreme Court precedent was correctly decided, or whether the President has independent authority to determine whether the Bureau's structure is constitutional.").

The Court should not accept the CFPB's invitation to interpret and apply existing precedent in a way the CFPB itself is unwilling to stand behind as correct. This is particularly true because Supreme Court authority does not support the position advocated by the CFPB. The Supreme Court has never ruled upon the

[4] Additionally, the "voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice." *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283 (1982). Otherwise, "the courts would be compelled to leave the defendant free to return to his old ways." *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000) (quotation omitted). Here, for the reasons explained, the CFPB has indicated it intends on continuing to pursue enforcement of the CID even after the Acting Director's term expires or a new Director is appointed.

constitutionality of an agency like the CFPB. Nonetheless, in *Free Enterprise Fund*, the Supreme Court clearly set forth the proper approach to evaluating the constitutionality of removal restrictions for Executive officers such as the Director: the two "limited restrictions on the President's removal power" are strictly construed, and a "new type of restriction" (like the Director's for-cause removal restriction here) should be stricken down. 561 U.S. at 514.

1. The CFPB Has Waived Any Argument That The Two, Narrow Exceptions To The President's Removal Power Set Forth In *Humphrey's Executor* Should Be Extended To Cover The CFPB's Novel Structure.

As an apparent consequence of its decision not to take the position that "existing Supreme Court precedent was correctly decided," the CFPB does not argue that existing Supreme Court precedent should be extended to cover the CFPB's novel structure. The United States has recognized that the "principal constitutional question" in an Article II challenge to the CFPB's structure is "whether the exception to the President's removal authority recognized in *Humphrey's Executor* should be extended by [the Court of Appeals] beyond multi-member regulatory commissions to an agency headed by a single Director." ER 156. In the view of the United States, "[n]either history nor precedent suggests that *Humphrey's Executor* should be extended to the CFPB." ER 173. But in this case, the CFPB does even argue that *Humphrey's Executor* should be extended to the CFPB.

As a result, the CFPB has waived any argument that the Court should decide unresolved questions in its favor. *See Soto v. Sweetman*, 882 F.3d 865, 877 (9th Cir. 2018) (as a general matter, an appellee waives any argument it fails to raise in its answering brief) (citations omitted). Consequently, the only issue is whether Supreme Court precedent definitively resolves this appeal in the CFPB's favor. It does not, requiring reversal.

2. While the Supreme Court Has Yet To Pass Upon The Constitutionality Of An Agency With The Novel Structure And Power Of The CFPB, Existing Precedent Supports Its Invalidation.

As set forth in Seila Law's Opening Brief, the Supreme Court recognizes only two limited exceptions to "the traditional default rule" that "removal is incident to the power of appointment" under Article II: (i) a multi-member "body of experts" with limited Executive duties; and (ii) certain inferior officers with limited tenure and a narrow scope of powers. *See* OB at 18 (citing *Free Enter. Fund*, 561 U.S. at 509; *Humphrey's Ex'r v. United States*, 295 U.S. 602, 624 (1935); and *Morrison v. Olson*, 487 U.S. 654, 671-73 (1988)). The CFPB does not fit within either of these limited exceptions because it is not a multi-member commission comprised of a "body of experts" who are "appointed by law and informed by experience," *Humphrey's Ex'r*, 295 U.S. at 624, nor is the Director an inferior officer with narrow jurisdiction. *See Morrison*, 487 U.S. at 672.

The CFPB points to the Supreme Court's decision in *Humphrey's Executor*,

which upheld the for-cause removal protection for FTC commissioners as that agency was structured in 1935, to defend its own structure. *See* RB at 22-26. However, for all the reasons set forth in the Opening Brief, *Humphrey's Executor* is simply inapplicable to this case. *See* OB at 24-26. The CFPB has far broader powers under the CFPA than the FTC commissioners had in 1935. While the FTC's jurisdiction was limited to regulation of competition, *see FTC v. Raladam Co.*, 283 U.S. 643, 649 (1931), the CFPB today is the self-proclaimed "primary enforcer of consumer financial laws." ER 195.

Moreover, The FTC was "an administrative body created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standard therein proscribed, and to perform other specified duties as a legislative or as a judicial aid," and was not properly "characterized as an arm or an eye of the executive." *Humphrey's Ex'r*, 295 U.S. at 628. Conversely, the CFPB has a "quintessentially executive structure," ER 167, resulting in part from its statutory mandate "to seek to implement, and where applicable, enforce Federal consumer financial law . . . ." 12 U.S.C. § 5511(a); *see also Gordon*, 819 F.3d at 1187 (". . . the Executive Branch is charged under our Constitution with the enforcement of federal law.").

The CFPB also ignores a critical difference between it and the FTC in *Humphrey's Executor*—i.e., the CFPB's single-Director structure. "In *Humphrey's*

Executor, the Supreme Court did not say (or articulate a principle) that single-Director independent agencies are constitutional. Not even close." *PHH Corp. v. CFPB*, 881 F.3d 75, 193-94 (D.C. Cir. 2018)(Kavanaugh, J., dissenting).

Accordingly, applying the holding in *Humphrey's Executor* to this case would require extending its holding. However, as noted above, the CFPB has waived any argument for an extension of existing law.[5] In any event, the Supreme Court has already observed that the two "limited restrictions on the President's removal power" noted above are the only exceptions to the constitutional requirement that the President be free to remove his inferiors. *Free Enter. Fund.*, 561 U.S. at 495. Any exception to the President's removal power must be strictly construed, particularly where (as here) the structure lacks precedent. *See, e.g.*, *id.* at 483, 496 (concluding that certain previously approved "separate layers of protection," when combined, presented a "new situation" and "novel structure" that was unconstitutional because it fell outside the two limited exceptions).

C. Severance Cannot Cure The CFPB's Constitutional Defects.

The Court should reject the CFPB's argument that its unconstitutional

[5] The D.C. Circuit recently issued a ruling extending *Humphrey's Executor* in *PHH Corp.* *See PHH Corp.*, 881 F.3d at 100. The D.C. Circuit's ruling in *PHH Corp.* is, of course, not binding on this Court. Moreover, the D.C. Circuit majority's extension of *Humphrey's Executor* contravenes the analysis adopted in *Free Enterprise Fund*; the well reasoned dissenting opinions of Justices Henderson and Kavanaugh in *PHH* are consistent with the Supreme Court's most recent word on the issue.

provisions should be severed. The CFPA establishes the CFPB as an "independent bureau," *see* 12 U.S.C. § 5491(a), and this provision "ties the CFPB's very existence to its freedom from the President." *PHH Corp.*, 881 F.3d at 161 (Henderson, J., dissenting); *see also PHH Corp. v. CFPB*, 2017 WL 3914316, at *13 (D.C. Cir. Mar. 31, 2017) (Br. Amici Curiae of Current and Former Members of Congress). Severing the for-cause removal provision of the CFPA would therefore result in a rewriting of the statute and creation of a different agency than the one Congress intended, which is impermissible. *See Alaska Airlines, Inc. v. Brock*, 480 U.S. 678, 685 (1987) (Court cannot simply strike a provision where the result would be an agency that would not "function in a manner consistent with the intent of Congress" or result in "legislation that Congress would not have enacted.") (emphasis omitted).

The CFPB argues that the Court should nonetheless sever its unconstitutional features based on a purported paucity of evidence that shielding the Director from at-will removal was a valuable feature of the CFPA. *See* RB at 41-42. However, the sponsors and drafters of the CFPA—including Messrs. Chris Dodd and Barney Frank (of the "Dodd-Frank Act")—have consistently explained the CFPB's independence as a necessary element of the CFPA. These "law makers determined that the Bureau needed to be an independent regulatory to remain a vigilant guardian of consumers' interests." 2017 WL 3914316, at *13. They subsequently explained that the goal was to ensure "the CFPB would exercise a special degree of

independence that Congress determined was necessary if it were to fulfill its critical mission." *English v. Trump*, 2018 WL 741045, at *25 (D.C. Cir. Feb. 6, 2018) (Br. Amici Curiae of Current and Former Members of Congress). These same lawmakers also objected to severance of the for-cause removal provision of the CFPA, arguing that the remedy "fundamentally altered the CFPB and hampered its ability to function as Congress intended." *PHH Corp.*, 2016 WL 6994388, at *2 (D.C. Cir. Nov. 29, 2016) (Br. Amici Curiae of Current and Former Members of Congress).

Because Congress intended the CFPB to be "completely independent, with an independently appointed director, an independent budget, and an autonomous rule making authority," 156 Cong. Rec. H5239 (2010), the for-cause removal provision of the Director is critical to the CFPB's organic statute as a whole. Severing that provision will result in an agency far different than the one Congress intended to create. Accordingly, the provision cannot simply be severed. *See Brock*, 480 U.S. at 685.

D. Regardless Of The Court's Determination Of The Constitutional Issues, The CID Is Unenforceable.

An administrative subpoena, such as the CID, is only enforceable if it is issued for a lawful purpose and seeks information relevant to a lawful purpose. *See Linde Thomson Langworthy Kohn & Van Dyke, P.C. v. Resolution Trust Corp.*, 5 F.3d 1508, 1513 (D.C. Cir. 1993). Here, Seila Law is engaged in the practice of law, providing a variety of legal services. ER 143-45, 321. The CID is directed to Seila

Law, and seeks information regarding Seila Law and its relationship with its clients. *See* ER 99-101. The CFPB has made clear that it issued the CID as part of its intention to bring an enforcement action against Seila Law. *See* RB at 6 (stating the CID was issued as part of an investigation into Seila Law's alleged role in a debt-relief program subject to separate enforcement actions against third parties); *see also* RB at 19 (arguing that Seila Law can raise its constitutional arguments in a future CFPB enforcement action against Seila Law arising out of the CFPB's investigation in which the CID was issued).

However, the CFPB lacks the authority to "exercise any supervisory or enforcement authority with respect to an activity engaged in by an attorney as part of the practice of law under the laws of a State in which the attorney is licensed to practice." 12 U.S.C. § 5517(e)(1). Accordingly, the CFPB lacks any supervisory or enforcement authority over Seila Law. Because the CFPB's stated purpose of the CID is to investigate Seila Law and bring a future enforcement action against it, even though Seila Law is not subject to the CFPB's supervisory or enforcement authority, the CID has no lawful purpose, nor does it seek information relevant to any lawful purpose.[6]

[6] The CFPB's argument that the CID is valid notwithstanding the statutory practice of law exclusion by virtue of section 5517(n), which provides that persons subject to or described in the practice of law exclusion provision are still subject to responding to a civil investigative demand, is unavailing. This is not a situation in which the CFPB issued a civil investigative demand to Seila Law because Seila Law

Additionally, the CID's defective notification of purpose independently renders it unenforceable. The notification of purpose for the CID at issue is very broad and indefinite, providing a laundry list of consumer financial laws, indefinite purported conduct and actors, and—for the reasons stated above—seeks irrelevant information. It should therefore be held unenforceable. *See United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950) (administrative subpoena is unenforceable if the investigation is not within the agency's authority, the demand is insufficiently definite, and the information sought is irrelevant).

III. CONCLUSION

For the foregoing reasons and those set forth in Seila Law's Opening Brief, the Court should reverse and vacate the district court's order enforcing the CID.

Dated: May 9, 2018

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may have material or information relevant to the CFPB's investigation of an individual or entity over which the CFPB has supervisory or investigatory authority, which would be a lawful purpose of the CID. Rather, the express purpose of the CID is part of the CFPB's investigation of and potential enforcement action against Seila Law, over which the CFPB lacks supervisory or enforcement authority. Accordingly, the CFPB cannot overcome the CID's lack of a lawful purpose.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(B) & (C) and Ninth Circuit Rule 32-1, I certify that this brief is proportionately spaced, has a typeface of 14 points or more and contains 4,722 words as counted by the Microsoft Word word processing program used to generate this brief.

Dated: May 9, 2018

/s/ Carolyn Howland
Carolyn Howland

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 9th day of May, 2018, I caused this Reply Brief of Appellant Seila Law, LLC to be filed electronically with the Clerk of the Court using the CM/ECF System. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Anthony R. Bisconti
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