

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Amarillo Division

TEXAS BANKERS ASSOCIATION, et al.,

Plaintiffs,

v.

OFFICE OF THE COMPTROLLER OF THE
CURRENCY, et al.,

Defendants.

No. 2:24-cv-0025

MOTION TO PARTIALLY LIFT THE STAY OF PROCEEDINGS

Defendants the Office of the Comptroller of the Currency and the Comptroller of the Currency (collectively, the “OCC”) and the Federal Deposit Insurance Corporation and its Chairman (collectively, the “FDIC”) respectfully move the Court to partially lift the stay in this matter for the limited purpose of ruling on the OCC’s and FDIC’s forthcoming motion for a judgment against them in this action.

Through counsel, Plaintiffs informed the undersigned that they do not oppose the relief sought by this motion. Defendants the Board of Governors of the Federal Reserve System and its Chairman (collectively, the “Federal Reserve”) are unaffected by this motion, which seeks to partially lift the stay only as to the OCC and FDIC. *See* Local Rule 7.1(a) (requiring conferrals with only “affected parties”). Nonetheless, the OCC informed the Federal Reserve of its intent to file this motion and learned that the Federal Reserve intends to submit a response after it has had the opportunity to review the filing and within the time set forth in the Local Rules. The grounds for this motion are as follows.

BACKGROUND

As the Court is aware, this case presents a challenge by certain trade associations to a rulemaking undertaken by three federal banking agencies to implement the Community Reinvestment Act. On March 29, 2024, the Court granted Plaintiffs' motion for a preliminary injunction, Mem. Op. & Order (Dkt. No. 75), and Defendants timely appealed that decision. Not. of Appeal (Dkt. No. 79).

After noticing their appeal, Defendants moved this Court, without opposition, to stay proceedings until "the Fifth Circuit resolves Defendants' interlocutory appeal." Mot. to Stay (Dkt. No. 80) at 1. The Court granted Defendants' motion, finding that a stay of proceeding pending appeal served the interests of justice, would conserve judicial and public resources, and that the stay was both reasonable and typical in the Fifth Circuit. Order (Dkt. No. 82) at 2. Specifically, the Court ordered that "[p]ending Defendant[s'] interlocutory appeal, the above-styled case should be and hereby is stayed" and directed the Clerk "to stay all proceedings until further notice." *Id.*

The Fifth Circuit recently dismissed the participation of the OCC and FDIC in that appeal at their request. *See Order, Tex. Bankers Ass'n v. Bd. of Governors of Fed. Reserve Sys.*, No. 24-10367 (5th Cir. July 9, 2026), Dkt. No. 201-1. Because the factors that persuaded the Court to impose the stay in the first place have changed with respect to the OCC and FDIC, the OCC and FDIC respectfully move the Court to lift partially the stay to consider their forthcoming motion for a judgment.

LEGAL STANDARD

A district court's discretionary authority to issue a stay "is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. N. Am.*

Co., 299 U.S. 248, 254-55 (1936). “The court must review a stay order in relation to the ‘present day realities’ in light of the existing situation.” *United States v. Bazemore*, Civ. A. No. 09-2237, 2011 WL 13291789, at *1 (N.D. Tex. Feb. 11, 2011) (quoting *Landis*, 299 U.S. at 258). A court reviewing whether to maintain or lift a stay must weigh the competing interests, as they now exist, to determine whether the equities continue to justify a stay. *In re Beebe*, 56 F.3d 1384, at *3 (5th Cir. 1995).

ARGUMENT

A partial lift of the stay is warranted as the circumstances that originally supported the stay as to the OCC and FDIC have changed such that a full stay is no longer appropriate.

The purpose of the stay was to allow the Fifth Circuit to resolve Defendants’ interlocutory appeal. The Fifth Circuit, however, recently dismissed the participation of the OCC and FDIC in that appeal at their request. *See Order, Tex. Bankers Ass’n v. Bd. of Governors of Fed. Reserve Sys.*, No. 24-10367 (5th Cir. July 9, 2026), Dkt. No. 201-1. Thus, although the appeal remains ongoing as to the Federal Reserve, the appeal is now fully resolved as to the OCC and FDIC.

The OCC and FDIC intend to file jointly on this same date a motion seeking the entry of a judgment against them in this action. A partial lift of the current stay will allow the Court to consider and decide this dispositive motion, which, if granted, would fully resolve this litigation as to the OCC and FDIC.

* * *

CONCLUSION

For the foregoing reasons, the OCC and FDIC respectfully request that the Court partially lift the stay in this matter for the limited purpose of resolving the OCC and FDIC's forthcoming motion for a judgment.

Respectfully submitted,

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Dated: July 31, 2026

CERTIFICATE OF CONFERENCE

Counsel for the Office of the Comptroller of the Currency conferred by email with counsel for Plaintiffs on July 30, 2026, regarding the relief sought by this motion. Plaintiffs indicated that they do not oppose the relief requested in this motion.

/s/ Peter C. Koch

PETER C. KOCH, Director for Litigation
Office of the Comptroller of the Currency

CERTIFICATE OF SERVICE

The undersigned certifies that on July 31, 2026, the foregoing was served on all parties to this action via the Court's CM/ECF system.

/s/ Peter C. Koch

PETER C. KOCH, Director for Litigation
Office of the Comptroller of the Currency

CERTIFICATE REGARDING THE USE OF ARTIFICIAL INTELLIGENCE

The undersigned certifies that no portion of the foregoing was prepared using generative artificial intelligence.

/s/ Peter C. Koch

PETER C. KOCH, Director for Litigation
Office of the Comptroller of the Currency