



April 3, 2024

FIFTH CIRCUIT EXTENDS STAYS IN CASE CHALLENGING LATE FEE RULE

On March 28, the Fifth Circuit Court of Appeals ordered a stay of the District Court for the Northern District of Texas, Fort Worth Division's transfer order in the Chamber of Commerce's case against the Consumer Financial Protection Bureau ("CFPB") challenging the CFPB's late fee rule. See our [ALERT of Mar. 29, 2023](#). Initially only stayed until March 30, the Fifth Circuit has subsequently extended the stay twice, with a current deadline of April 5 at 5 PM.

The Fifth Circuit stay of the transfer order comes in the context of an emergency interlocutory appeal filed by the Chamber of Commerce on March 25 for the District Court's effective denial of the Chamber's motion for preliminary injunction filed on March 7. The Chamber argues that the District Court did not have jurisdiction to transfer the case while the Fifth Circuit docketed the emergency appeal.

We will continue to monitor the case and provide updates.

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