



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, Third Floor
New York, New York 10007

May 15, 2019

By Facsimile (212) 805-6382

The Honorable Victor Marrero
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Vullo v. Office of the Comptroller of the Currency*, 18 Civ. 8377 (VM)

Dear Judge Marrero:

This Office represents defendants the Office of the Comptroller of the Currency and Comptroller Joseph M. Otting (together, "OCC") in the above-referenced matter. By order dated May 2, 2019, the Court largely denied OCC's motion to dismiss the Complaint. (ECF No. 28). Accordingly, OCC's deadline to answer the Complaint is presently Thursday, May 16, 2019. *See* Fed. R. Civ. P. 12(a)(4)(A) ("if the court denies the motion . . . the responsive pleading must be served within 14 days after notice of the court's action"). Respectfully, we request a two-week extension of OCC's time to answer the Complaint, until Thursday, May 30, 2019. Plaintiff's counsel consents to this request.

In denying OCC's motion to dismiss, the Court ruled on the issue of law at the heart of this case: whether, under the National Bank Act ("NBA"), OCC has the authority to issue special purpose national bank charters to financial technology companies that do not accept deposits. The Court held that OCC does not have that authority because the relevant language in the NBA unambiguously defines "the business of banking" to include deposit-taking. OCC believes that the Court's order likely renders the matter ripe for entry of a final judgment. We therefore request additional time to complete our internal deliberations on this issue and confer with plaintiff's counsel.

We thank the Court for its consideration of this request.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Christopher Connolly
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cc: *Plaintiff's counsel* (by e-mail)

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to 5-30-19

SO ORDERED.

5-15-19
DATE

[Signature]
VICTOR MARRERO, U.S.D.J.