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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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Consumer Financial Protection Bureau

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CONSUMER FINANCIAL
PROTECTION BUREAU,

Petitioner,

v.

GREAT PLAINS LENDING,
LLC, MOBILOANS, LLC &
PLAIN GREEN, LLC,

Respondents.

CV 14-02090-MWF(PLA)
Case No. _____

**PETITION TO ENFORCE CIVIL
INVESTIGATIVE DEMANDS**

The Consumer Financial Protection Bureau (Bureau) hereby petitions this Court, pursuant to 12 U.S.C. § 5562(e)(1), for an order enforcing civil investigative demands (CIDs) served on Great Plains Lending, LLC, MobiLoans, LLC, and Plain Green, LLC (collectively, Respondents). On June 12, 2012, the Bureau issued the CIDs to Respondents in the course of a non-public investigation of small-dollar online lenders concerning possible violations of

1 Section 1036 of the Consumer Financial Protection Act of 2010 (CFPA), 12 U.S.C. § 5536,
2 the Truth in Lending Act (TILA), 15 U.S.C. § 1601 *et seq.*, the Electronic Funds Transfer Act
3 (EFTA), 15 U.S.C. § 1693 *et seq.*, the Gramm-Leach-Bliley Act (GLBA), 15 U.S.C. § 6802 *et*
4 *seq.*, and other Federal consumer financial laws. The CIDs directed Respondents to respond
5 to interrogatories, produce documents, and provide sworn verifications as to those
6 responses. Respondents have not complied with the CIDs. Accordingly, the Bureau petitions
7 this Court for an order compelling Respondents to comply with the CIDs.

8 In support of this petition, the Bureau has separately filed the Declaration of Meredith
9 B. Osborn and a memorandum of law. In further support, the Bureau alleges as follows:

10 JURISDICTION AND VENUE

11 1. This Court has subject-matter jurisdiction pursuant to Section 1052(e)(1) of the
12 CFPA, which provides that if a “person fails to comply with any civil investigative demand
13 duly served upon him . . . the Bureau . . . may file . . . a petition for an order of such court
14 for the enforcement of this section.” 12 U.S.C. § 5562(e)(1).

15 2. Venue is proper because each Respondent “transacts business” in this district.
16 12 U.S.C. § 5562(e)(1); 12 C.F.R. § 1080.10(b)(1).

17 THE PARTIES

18 3. The Bureau is an administrative agency of the United States. 12 U.S.C. § 5491 *et*
19 *seq.* The Bureau is empowered by the CFPA to enforce Federal consumer financial
20 protection laws, including TILA, EFTA, and the GLBA, and to take action to prevent
21 “unfair, deceptive, or abusive act[s] or practice[s] . . . in connection with any transaction with
22 a consumer for a consumer financial product or service.” 12 U.S.C. §§ 5511(c)(4), 5512(a),
23 5531(a), 5536(a)(1)(B), 5564(a); 12 U.S.C. §§ 5561-5567.

24 4. Respondent Great Plains Lending, LLC is a limited liability company that
25 offers small-dollar loans to consumers nationwide, through its website
26 greatplainslending.com.

1 5. Respondent MobiLoans, LLC is a limited liability company that offers small-
2 dollar loans to consumers nationwide, through its website mobiloans.com.

3 6. Respondent Plain Green, LLC is a limited liability company that offers small-
4 dollar loans to consumers nationwide, through its website plaingreen.com.

5 **RESPONDENTS' FAILURE TO RESPOND**
6 **TO THE BUREAU'S CIDS**

7 7. To determine whether there have been violations of Federal consumer financial
8 protection laws, including laws prohibiting unfair, deceptive, or abusive acts or practices,
9 Section 1052 of the CFPA empowers the Bureau to issue CIDs whenever it "has reason to
10 believe that any person may be in possession, custody, or control of any documentary
11 material or tangible things, or may have any information, relevant to a violation." 12 U.S.C.
12 § 5562(c)(1). CIDs may require the recipient, *inter alia*, to produce documents or file answers
13 to questions. 12 U.S.C. § 5562(c)(1)(A), (C).

14 8. On June 12, 2012, the Bureau issued a CID to each Respondent via certified
15 mail, requiring it to answer interrogatories and produce documents.

16 9. The Bureau's rules provide that the recipient of a CID may file a petition with
17 the Bureau for an order modifying or setting aside a CID within 20 days after service of the
18 CID. Such a petition must "set forth all factual and legal objections to the civil investigative
19 demand, including all appropriate arguments, affidavits, and other supporting
20 documentation." 12 C.F.R. § 1080.6(e).

21 10. Pursuant to a request by Respondents' counsel, the Bureau granted
22 Respondents a 14-day extension of the deadline for filing a petition to modify or set aside
23 the CIDs.

24 11. On July 17, 2012, Respondents jointly filed a timely petition to set aside the
25 CIDs. In their petition, Respondents challenged the Bureau's authority to require their
26 compliance with the CIDs.

1 12. On September 26, 2013, the Bureau’s Director, Richard Cordray, issued a
2 decision and order under 12 C.F.R. § 1080.6(e)(4), denying the petition to set aside the CIDs.
3 The order directed Respondents to comply with the CIDs by October 17, 2013.

4 13. Counsel for Respondents requested an extension of the compliance deadline,
5 and the Bureau authorized an extension until October 24, 2013.

6 14. Respondents have not complied with the Bureau’s CIDs.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, the Bureau invokes the aid of this Court and prays:

- 9 a. That this Court enter an order directing Respondents Great Plains Lending,
10 LLC, MobiLoans, LLC, and Plain Green, LLC to show cause why they should
11 not fully comply with the CIDs;
- 12 b. That this Court enter an order requiring Respondents Great Plains Lending,
13 LLC, MobiLoans, LLC, and Plain Green, LLC to fully comply with the CIDs
14 within ten (10) days of such an order, or at such later date as may be established
15 by the Bureau; and
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1 c. For such other relief as this Court deems just and proper.

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3 Dated: March 18, 2014

Respectfully submitted,

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5 ANTHONY ALEXIS
Acting Enforcement Director

6
7 DEBORAH MORRIS
Deputy Enforcement Director

8
9 
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Consumer Financial Protection Bureau	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Great Plains Lending, LLC, MobiLoans, LLC, and Plain Green, LLC
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Noble County, OK</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Meredith Osborn, Maxwell Peltz, Melanie Hirsch Consumer Financial Protection Bureau, 1700 G Street NW Washington, DC 20552 (415) 645-6615	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> PTF 1</td> <td><input type="checkbox"/> DEF 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> PTF 4</td> <td><input type="checkbox"/> DEF 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding
 2. Removed from State Court
 3. Remanded from Appellate Court
 4. Reinstated or Reopened
 5. Transferred from Another District (Specify) _____
 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ N/A

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 12 U.S.C. § 5562(e)(1), providing for a court order enforcing a civil investigative demand

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 560 Civil Rights	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 720 Labor/Mgmt. Relations	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment		
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations		
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment		
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other		
		<input type="checkbox"/> 448 Education			

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern	
<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):**

DATE: 3/18/04

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))