

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ACA INTERNATIONAL,

Plaintiff,

v.

MAURA HEALEY, IN HER OFFICIAL
CAPACITY AS MASSACHUSETTS
ATTORNEY GENERAL

Defendant.

Civil Action No. 1:20-cv-10767-RGS

**PLAINTIFF’S EMERGENCY MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Plaintiff ACA International (“ACA”) hereby respectfully moves for a temporary restraining order and preliminary injunction on an emergency basis and expedited briefing schedule, to enjoin the enforcement of 940 CMR 35:00, *Unfair and Deceptive Debt Collection Practices During the State of Emergency Caused by COVID-19* (the “Regulation”), issued by the Massachusetts Attorney General (“AG”) and made effective on March 26, 2020.

ACA hereby incorporates by reference the Complaint and the memorandum of law in support of this motion, filed contemporaneously herewith.

As detailed in the accompanying memorandum of law, there is a substantial likelihood that ACA will succeed on the merits of its claims against the AG; that without a preliminary injunction and temporary restraining order, there is substantial risk that ACA and its members will suffer irreparable harm; that the balance of harms weighs in favor of ACA; and the requested preliminary injunction and temporary restraining order will not adversely affect the public interest.

WHEREFORE, ACA respectfully requests that the Court enter a temporary restraining order and preliminary injunction enjoining enforcement of the Regulation.

REQUEST FOR ORAL ARGUMENT

ACA hereby respectfully requests a hearing on this motion under Local Rule 7.1(d). ACA asks that the Court conduct the hearing telephonically. The United States District Court for the District of Massachusetts has issued a series of orders that are available on the court's website at <http://www.mad.uscourts.gov/>. Among other things, the Court has issued a Public Notice entitled "Public Access to Video and Teleconference Hearings," which notes that "[i]n light of the ongoing national emergency with respect to the coronavirus pandemic, the United States District Court for the District of Massachusetts has issued general orders supporting video and teleconferencing for civil and criminal hearings in accordance with the applicable statutes and rules of the Judicial Conference of the United States. . . ." Public Notice, Mar. 31, 2020, available at <http://www.mad.uscourts.gov/general/pdf/announce/033120%20Public%20Notice%20Public%20Access%20to%20video%20and%20teleconference%20Hearing-%20Coronavirus.pdf> (viewed April 20, 2020). Moreover, while the public clerk's office of the federal court remains open during regular business hours, the Clerk's public counters are closed. See Public Notice, Apr. 14, 2020, available at <http://www.mad.uscourts.gov/general/pdf/announce/041420%20Public%20Counter%20closed%20-%20Coronavirus.pdf> (viewed April 20, 2020). This Court may also take judicial notice that the various judges of this District Court are routinely granting motions by the parties to appear telephonically, rather than in person, at hearings.

Dated: April 20, 2020.

Respectfully submitted,

ACA INTERNATIONAL

By its attorneys,

/s/ David M. Bizar

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