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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Consumer Financial Protection Bureau,

Plaintiff,

v.

Judith Noh d/b/a Student Loan Pro, Judith
Noh as an individual, and Syed Faisal
Gilani,

Defendants, and

FNZA Marketing, LLC,

Relief Defendant

Case No. 8:21-cv-00488-JWH (Ads)

**PLAINTIFF'S NOTICE OF
MOTION AND UNOPPOSED
MOTION TO VACATE STAY
AND RE-OPEN
ADMINISTRATIVELY CLOSED
CASE**

Judge: The Hon. John W. Holcomb
Hearing Date: July 11, 2025
Time: 9:00 A.M.
Courtroom: 9D

1 PLEASE TAKE NOTICE that on July 11, 2025, at 9:00 a.m., or as soon thereafter
2 as the matter may be heard in Courtroom 9D of the above-entitled Court, located at 411
3 W. Fourth St., Santa Ana, CA 92701, Plaintiff Consumer Financial Protection Bureau
4 (Bureau) will and hereby does move the Court for an order vacating the stay of
5 proceedings and re-opening this administratively closed case.

6 This Motion is made on the grounds that the circumstance that was the basis of the
7 Court's stay of this case (ECF No. 204) has been resolved. The Acting Director of the
8 Bureau has authorized the Bureau to proceed with this matter. In addition, Plaintiff has
9 not been dilatory and has filed this Motion within a reasonable time after the stay was
10 granted. Accordingly, good cause is shown, and Plaintiff respectfully asks that the Court
11 vacate the stay and direct that the case be re-opened.

12 This Motion is based on this Notice of Motion and Motion; all pleadings and other
13 documents on file in this action; and on any such other matters as may be presented to the
14 Court at the time of the hearing.

15 This Motion is made following a conference of counsel pursuant to L.R. 7-3,
16 which took place on June 2, 2025. Counsel for Defendant Syed Faisal Gilani and former
17 Defendant Judith Noh informed counsel for Plaintiff that his clients take no position on
18 this Motion.

19
20 Dated: June 9, 2025

/s/ Mary K. Warren

Mary K. Warren

Alexander Johnson

Senior Litigation Counsel

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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Consumer Financial Protection Bureau (Bureau) asks the Court to vacate the stay of proceedings in this enforcement action. On February 7, 2025, the Court granted Plaintiff's *Ex Parte* Application to Move to Stay Proceedings, ECF No. 202, which was based on the change in Bureau leadership following the Presidential election. In the February 7 Order, ECF No. 204, the Court directed the Bureau to file a status report after it received relevant guidance from the recently appointed Acting Director of the Bureau. *Id.* at 2. In addition, the Court denied the Bureau's pending motions without prejudice and directed that the case be administratively closed. *Id.*

On May 16, 2025, the Acting Director authorized the Bureau to proceed with this matter. The Bureau then reached out to Defendants' counsel to hold a meet and confer, and promptly filed this Motion thereafter. Good cause exists to grant the Motion because, after review to ensure that the matter is consistent with the Administration's priority goals, the Acting Director authorized the continued prosecution of this enforcement action. In addition, the Bureau has filed this Motion within four months of the granting of the stay. At the time the Bureau requested the stay, fact discovery was completed and the Bureau had moved for summary judgment against the remaining Defendant, Syed Faisal Gilani. If the Court lifts the stay, the Bureau intends to propose a schedule for re-filing its motions that the Court denied without prejudice as part of granting the stay request, including a date for Defendant Gilani and former Defendant Noh to re-file their opposition papers, and a date for the Bureau's replies in support of the motions. *See* Plaintiff's Status Report, filed concurrently herewith, at 2. Consequently, there has been no unreasonable delay or prejudice to Defendants. *See Omstead v. Dell, Inc.*, 594 F.3d 1081, 1084 (9th Cir. 2010) (stating standard applied in dismissal for failure to prosecute) *overruled on other grounds by Langere v. Verizon Wireless Servs., LLC*, 983 F.3d 1115, 1117 (9th Cir. 2020). Moreover, it is in the public interest to continue this

1 action to enforce federal consumer financial protection laws and provide redress to
2 harmed consumers.

3 Accordingly, good cause exists to vacate the stay and re-open this case.
4

5 Dated: June 9, 2025

/s/ Mary K. Warren

6 Mary K. Warren
7 Senior Litigation Counsel
8 Alexander Johnson
9 Enforcement Attorney
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CERTIFICATE OF COMPLIANCE

I certify that this brief contains 602 words, which complies with the word limit of L.R. 11-6.1.

Dated: June 9, 2025

/s/ Mary K. Warren

Mary K. Warren (*pro hac vice*)

Attorney for Plaintiff

Consumer Financial Protection Bureau