

No. 19-631

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IN THE  
**Supreme Court of the United States**

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WILLIAM P. BARR, ATTORNEY GENERAL, *et al.*,

*Petitioners,*

*v.*

AMERICAN ASSOCIATION OF  
POLITICAL CONSULTANTS, INC., *et al.*,

*Respondents.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT

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**MOTION TO FILE *AMICUS BRIEF* OUT  
OF TIME AND *AMICUS BRIEF* IN  
SUPPORT OF RESPONDENTS**

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To the Honorable Supreme Court of the United States:

This is a motion to permit the filing of a very short amicus brief out of time. The brief is submitted by the ACA International, Inc – an association of credit professionals interested in the interpretation of the statute at issue in this case.

There is good cause for permitting the late filing, and the late filing will not delay the consideration of the merits. The proposed amicus brief is being tendered at the same time that this motion is submitted.

#### **A brief history of the case**

The Court granted the Petition for Certiorari on January 20, 2020. The Petitioner's Brief was filed February 24<sup>th</sup>. Eight amicus briefs supporting the Petitioner were filed. The Respondent's Brief was filed on March 25<sup>th</sup>. Nine amicus briefs supporting the Respondent were filed. ACA supported the Respondent's Petition.

Good cause exists to permit this filing

After reading the briefs already filed on both sides, ACA decided that there was little that it could add to the discussion. It still wanted to have its voice heard in support of the Respondent. ACA's counsel called the Clerk's office to inquire about submitting a very short letter noting its support of the Respondent, and explaining that full briefing would only offer the same arguments that had already been made. ACA felt that a short supporting letter would relieve the Court of the burden of reading a 21<sup>st</sup> brief in this case.

Based on the conversation with the Clerk, ACA submitted its letter, which has not been accepted for filing. ACA was under the impression that the letter could be accepted without printing the letter in booklet form. It misunderstood, and has now submitted the brief in the form required by the Rules. The fault here was ACA's misunderstanding, and that should not prevent the public record from reflecting ACA's support of the Respondent's position in this case.

ACA respectfully requests that the Court permit the filing of the amicus brief out of time.

Respectfully submitted,

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**INTEREST OF AMICUS CURIAE  
ACA INTERNATIONAL, INC.**

ACA International is a not-for-profit corporation based in Minneapolis, Minnesota.<sup>1</sup> Founded in 1939, ACA represents nearly 3,700 members, including credit grantors, collection agencies, attorneys, asset buyers and vendor affiliates. ACA produces a wide variety of products, services, and publications, including educational and compliance-related information; and articulates the value of the credit-and-collection industry to businesses, policymakers, and consumers.

ACA company members range in size from small businesses with a few employees to large publicly held corporations. ACA company members collect rightfully owed debts on behalf of other small and local businesses. ACA members include businesses that operate within a single town, city, or state and large national corporations that do business in every state.

ACA members are an extension of every community's businesses. ACA members work with these businesses, large and small, to obtain payment for the goods and services already received by consumers. In years past, the combined effort of ACA members has resulted in the annual recovery of billions of dollars—dollars that are returned to and reinvested and that would otherwise

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1. No Party's counsel authored this brief in whole or in part. No Party or Party's counsel contributed money intended to fund preparation or submission of this brief. No person - other than Amicus Curiae ACA International, its members, and its counsel - contributed money to fund preparation or submission of this brief. All parties have consented to the filing of this brief.

constitute losses to member businesses. Without an effective collection process, the economic viability of these businesses—and, by extension, the American economy in general—is threatened. Recovering rightfully owed consumer debt preserves business; helps prevent job losses; and reduces the need for tax increases to cover governmental budget shortfalls.

### **SUMMARY OF THE ARGUMENT**

ACA supports the Respondents' position in this case. ACA has reviewed the brief filed by the Respondent, as well as briefs filed by six separate organizations in support of the Respondents. These briefs, and in particular the briefs of the amici supporting the Respondent, voice many of the same concerns that ACA would express in an amicus brief.

### **ARGUMENTS AND AUTHORITIES**

ACA supported the Respondent's position in this case in another case where a Petition for Writ of Certiorari was filed. In that case, No. 19-511, styled *Facebook, Inc. v. Noah Duguid, et al* (in which the Government was an Intervenor, and espoused the same position as it does in this case), the Petition for Certiorari remains pending, and concerns the same issues present in this case. ACA's position is set out in full in that Amicus Brief, and applies just as strongly in this case.

Given that ACA has already expressed its position on the issues in this case, it is appropriate to refer the Court to that previously filed Brief as opposed to filing a separate brief in this case expressing the same position

a second time. ACA believes that adding another amicus brief in support of the Respondent would add a burden to the Court and its staff that would not add substantially to the careful discussion of the merits already on record.

### CONCLUSION

For this reason, we ask that the Court take note of ACA's support of the Respondent for the reasons reflected in its *Facebook* filing, and for the reasons already expressed on the Respondent's side in briefs already on file.

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