**NOT YET SCHEDULED FOR ORAL ARGUMENT**

**Nos. 18-5154, 18-5181**

In the United States Court of Appeals

for the District of Columbia Circuit

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AMERICAN BANKERS ASSOCIATION,

PLAINTIFF-APPELLEE-CROSS-APPELLANT

*v.*

NATIONAL CREDIT UNION ADMINISTRATION,

DEFENDANT-APPELLANT-CROSS-APPELLEE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*ON APPEAL FROM THE UNITED STATES DISTRICT COURT*

*FOR THE DISTRICT OF COLUMBIA (CIV. NO. 16-2394)*

*(THE HONORABLE DABNEY L. FRIEDRICH, J.)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

**NOTIFICATION OF INTENT TO PARTICIPATE AS *AMICUS CURIAE***

**IN SUPPORT OF AMERICAN BANKERS ASSOCIATION**

Pursuant to Federal Rule of Appellate Procedure 29(a) and D.C. Circuit Court Rule 29(b), Iowa Bankers Association, an Iowa nonprofit corporation organized under Iowa Code Chapter 504 (“IBA”), together with the banking associations representing banks in all of the other forty-nine (49) states, as listed on Exhibit “A” attached hereto and incorporated herein by this reference (IBA and all of such state banking associations collectively referred to herein as the “State Banking Associations”), and Independent Community Bankers of America and twenty-five (25) affiliated state-level community banking organizations, as listed on Exhibit “B” attached hereto and incorporated herein by this reference (collectively, “ICBA”) (the State Banking Associations and ICBA collectively referred to herein as the “Joint Amici”) hereby provide notice to the Court that they intend to file an *Amicus* Brief in support of Plaintiff-Appellee-Cross-Appellant American Bankers Association (“ABA”) in the above-captioned appeals. All parties to the appeals have consented to such participation. Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rules 29(b) and 26.1, a corporate disclosure statement accompanies this Notification.

**CORPORATE DISCLOSURE STATEMENT**

IBA was initially formed in 1887 for the purpose of supporting banks in Iowa by providing leadership, advocacy, information and education to its members, their commercial and consumer customers, and the public. IBA is an Iowa nonprofit corporation organized under Iowa Code Chapter 504. The current membership of IBA consists of approximately 315 state and national banks and savings associations representing 98% of such banks and associations operating in Iowa. There is no parent corporation of IBA, nor does any publicly-held corporation own 10% or more of its stock.

The other State Banking Associations all serve a similar purpose, and are all similarly organized, nonprofit organizations that represent a substantial number of the community banks and savings associations in their respective states. IBA and the other State Banking Associations represent a substantial number of community banks and savings associations that are not members of the ABA.

ICBA is a nationwide trade organization dedicated to promoting and protecting the interests of America’s community banks by monitoring, and advocating on, federal issues that affect thousands of community banks and their customers. ICBA is the nation’s voice for many of the 5,800 community banks serving local and rural communities throughout the United States. With 52,000 locations nationwide, community banks employ 760,000 Americans and hold $4.7 trillion in assets, $3.7 trillion in deposits, and $3.2 trillion in loans to consumers, small businesses, and the agricultural community. In addition, twenty-five (25) state level community banking organizations affiliated with ICBA, as listed on Exhibit “B”, join the brief as *Amici Curiae*.

ICBA, including the twenty-five (25) affiliated state-level community banking organizations, are nonprofit trade associations; they have no parent corporations and no stock held by the public; and no publicly-held corporation owns 10% or more of their stock.

The *Amicus* Brief is filed upon the authority of the Board of Directors and the President of IBA and the Board of Directors or the Chief Executive of each of the other State Banking Associations. Counsel for IBA and ICBA authored the *Amicus* Brief in its entirety. No counsel for ABA or NCUA has authored the *Amicus* Brief, in whole or in part, nor has ABA or NCUA or their respective counsel contributed money to fund the preparation or submission of the Brief. No entity other than IBA, the membership of IBA and the other State Banking Associations, and ICBA have contributed funds to cover the costs of the preparation and submission of the *Amicus* Brief.

Dated: January 25, 2019

Respectfully submitted,

/*s/ Julie Johnson McLean*

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ATTORNEYS FOR STATE BANKING ASSOCIATIONS

ATTORNEYS FOR JOINT *AMICI CURIAE* IN SUPPORT OF AMERICAN BANKERS ASSOCIATION

CERTIFICATE OF SERVICE

On the 25th day of January, 2019, the undersigned served copies of the foregoing Notification of Intent to Participate as *Amicus Curiae* in Support of American Bankers Association which this Certificate is attached via CM/ECF, which will send notification of such filing to the following counsel who have appeared in this case:

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CUNA MUTUAL HOLDING COMPANY, AND NATIONAL

ASSOCIATION OF FEDERALLY-INSURED CREDIT UNIONS

/s/

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EXHIBIT A

STATE BANKING ASSOCIATIONS

|  |  |
| --- | --- |
| 1. Alabama Bankers Association 2. Alaska Bankers Association 3. Arizona Bankers Association 4. Arkansas Bankers Association 5. California Bankers Association 6. Colorado Bankers Association 7. Connecticut Bankers Association 8. Delaware Bankers Association 9. Florida Bankers Association 10. Georgia Bankers Association 11. Hawaii Bankers Association 12. Idaho Bankers Association 13. Illinois Bankers Association 14. Indiana Bankers Association 15. Iowa Bankers Association 16. Kansas Bankers Association 17. Kentucky Bankers Association 18. Louisiana Bankers Association 19. Maine Bankers Association 20. Maryland Bankers Association 21. Massachusetts Bankers Association 22. Michigan Bankers Association 23. Minnesota Bankers Association 24. Mississippi Bankers Association 25. Missouri Bankers Association | 1. Montana Bankers Association 2. Nebraska Bankers Association 3. Nevada Bankers Association 4. New Hampshire Bankers Association 5. New Jersey Bankers Association 6. New Mexico Bankers Association 7. New York Bankers Association 8. North Carolina Bankers Association 9. North Dakota Bankers Association 10. Ohio Bankers League 11. Oklahoma Bankers Association 12. Oregon Bankers Association 13. Pennsylvania Bankers Association 14. Rhode Island Bankers Association 15. South Carolina Bankers Association 16. South Dakota Bankers Association 17. Tennessee Bankers Association 18. Texas Bankers Association 19. Utah Bankers Association 20. Vermont Bankers Association 21. Virginia Bankers Association 22. Washington Bankers Association 23. West Virginia Bankers Association 24. Wisconsin Bankers Association 25. Wyoming Bankers Association |

EXHIBIT B

STATE-LEVEL COMMUNITY BANKING ORGANIZATIONS

1. Arkansas Community Bankers
2. Bluegrass Community Bankers Association
3. California Community Banking Network
4. Independent Bankers of Colorado
5. Community Bankers Association of Georgia
6. Community Bankers Association of Illinois
7. Community Bankers of Iowa
8. Community Bankers Association of Kansas
9. Community Bankers of Michigan
10. Independent Community Bankers of Minnesota
11. Missouri Independent Bankers Association
12. Montana Independent Bankers
13. Nebraska Independent Community Bankers
14. Independent Community Bankers Association of New Mexico
15. Independent Bankers Association of New York State
16. Independent Community Banks of North Dakota
17. Community Bankers Association of Ohio
18. Community Bankers Association of Oklahoma
19. Pennsylvania Association of Community Bankers
20. Independent Banks of South Carolina
21. Independent Community Bankers of South Dakota
22. Independent Bankers Association of Texas
23. Virginia Association of Community Bankers
24. Community Bankers of Washington
25. Community Bankers of West Virginia