

Bloomberg Law and Debtwire quote Partner Catherine Brennan in NY DFS lawsuit article

May 3, 2019 |

On May 2, *Bloomberg Law* reported that Judge Victor Marrero of the U.S. District Court for the Southern District of New York has allowed the lawsuit by the New York Department of Financial Services (DFS) against the Office of the Comptroller of the Currency (OCC) to move forward. The suit claims that the OCC's proposed national fintech charter "posed a threat" to the state's ability to establish its own laws and regulations. According to *Bloomberg*, the decision leaves the fate of the OCC's fintech charter uncertain, even though several fintech companies may be interested in applying for one.

"Companies have been waiting because this was always what was going to happen," noted Catherine Brennan.

The judge said that the DFS claims should move on to trial because New York is suing to protect an existing regulatory architecture that would be harmed by a federal government action, rejecting the OCC's preemption arguments. The OCC is still reviewing the decision.

Debtwire also spoke to Catherine for her thoughts on the ruling. "This year we should have a more fulsome argument from the DFS on why it believes that the federal banking agency is violating the federal law," Catherine said. In the meantime, fintechs are unlikely to file an application for the OCC's charter.

Catherine Brennan assists national and state banks, investment banks, consumer and commercial finance companies, mortgage bankers, installment lenders and other licensed lenders in the development and maintenance of nationwide consumer and commercial lending programs. She engages in credit due diligence on behalf of investors in fintech firms, bank partnership platforms, small business lenders, merchant cash advance companies, consumer finance companies, title loan companies and payday lenders.

Subscribers to *Bloomberg* may [click here](#) to read the article.

Hudson Cook, LLP, provides articles, webinars and other content on its website from time to time provided both by attorneys with Hudson Cook, LLP, and by other outside authors, for information purposes only. Hudson Cook, LLP, does not warrant the accuracy or completeness of the content, and has no duty to correct or update information contained on its website. The views and opinions contained in the content provided on the Hudson Cook, LLP, website do not constitute the views and

opinion of the firm. Such content does not constitute legal advice from such authors or from Hudson Cook, LLP. For legal advice on a matter, one should seek the advice of counsel.

SUBSCRIBE TO INSIGHTS

HUDSON COOK

Celebrating its 25th anniversary in 2022, Hudson Cook, LLP is a national law firm representing the financial services industry in compliance, privacy, litigation, regulatory and enforcement matters.

7037 Ridge Road, Suite 300, Hanover, Maryland 21076
410.684.3200

www.hudsoncook.com

© Hudson Cook, LLP. All rights reserved. Privacy Policy | Legal Notice
Attorney Advertising: Prior Results Do Not Guarantee a Similar Outcome

