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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NATIONAL ASSOCIATION OF
INDUSTRIAL BANKERS, ONLINE
LENDERS ALLIANCE and AMERICAN
FINANCIAL SERVICES ASSOCIATION,

Plaintiffs,

v.

SEAN O'DAY, In his official capacity as
Director of Oregon Department of Consumer
and Business Services,

Defendant.

Case No. 6:26-cv-01201-AA

ANSWER TO PLAINTIFFS' COMPLAINT

The Defendant, Sean O'Day, in his official capacity as Director of Oregon Department of Consumer and Business Services ("Defendant"), provides this Answer to Plaintiffs' Complaint ("Complaint") as follows:

1. The allegations in paragraph 1 contain Plaintiffs' characterizations of their case to which no response is required. To the extent a response is required, Defendant denies the allegations.

2. The allegations in paragraph 2 characterize Section 521 of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("DIDMCA"), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

3. The allegations in paragraph 3 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

4. The allegations in paragraph 4 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

5. The allegations in paragraph 5 characterize DIDMCA and *Nat'l Ass'n of Indus. Bankers v. Weiser*, 737 F.Supp.3d 1113 (D. Colo. 2024), en banc appeal pending, No. 24-1293, 2026 U.S. App. LEXIS 9563 (10th Cir.) ("*NAIB v. Weiser*"), which speak for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

6. The allegations in paragraph 6 characterize House Bill 4116, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

7. The allegations in paragraph 7 characterize House Bill 4116, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

8. The allegations in paragraph 8 characterize House Bill 4116 and the Consumer Finance Act, which speak for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

9. The allegations in paragraph 9 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

10. The allegations in paragraph 10 are legal conclusions to which no response is required.

11. The allegations in paragraph 11 contain Plaintiffs' characterizations of their case to which no response is required. To the extent a response is required, Defendant denies the allegations.

12. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 12.

13. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 13.

14. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 14.

15. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 15.

16. The allegations in paragraph 16 are legal conclusions to which no response is required.

17. The allegations in paragraph 17 are legal conclusions to which no response is required.

18. In response to paragraph 18, Defendant admits only that Sean O'Day is the Director of the Oregon Department of Consumer and Business Services; the remaining

allegations in paragraph 18 are legal conclusions and characterizations of Plaintiffs' case to which no response is required.

19. The allegations in paragraph 19 are legal conclusions to which no response is required.

20. The allegations in paragraph 20 are legal conclusions to which no response is required.

21. The allegations in paragraph 21 are legal conclusions to which no response is required.

22. The allegations in paragraph 22 characterize House Bill 4116, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

23. The allegations in footnote 2 to paragraph 23 characterize a press release issued by the Oregon Department of Consumer and Business Services, which speaks for the best evidence of its contents; any allegations contrary to the plain language meaning, and context are denied. The remaining allegations in paragraph 23 are legal conclusions to which no response is required.

24. Defendant admits the allegations in the first sentence of paragraph 24. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in the second sentence of paragraph 24.

25. The allegations in paragraph 25 characterize Section 85 of the National Bank Act, 12 U.S.C. § 85, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

26. The allegations in paragraph 26 characterize *Marquette Nat'l Bank v. First of Omaha Serv. Corp.*, 439 U.S. 299, 311-12 (1978), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

27. The allegations in paragraph 27 characterize DIDMCA and Section 85 of the National Bank Act, 12 U.S.C. § 85, which speak for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

28. The allegations in paragraph 28 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

29. The allegations in paragraph 29 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

30. The allegations in paragraph 30 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

31. The allegations in paragraph 31 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

32. The allegations in paragraph 32 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

33. The allegations in paragraph 33 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

34. The allegations in the first sentence of paragraph 34 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 34 are legal conclusions to which no response is required.

35. The allegations in the first sentence of paragraph 35 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 35 are legal conclusions to which no response is required.

36. The allegations in the first sentence of paragraph 36 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 36 are legal conclusions to which no response is required.

37. The allegations in paragraph 37 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

38. The allegations in paragraph 38 characterize DIDMCA and its legislative history, which speak for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

39. The allegations in paragraph 39 are legal conclusions to which no response is required.

40. The allegations in the first sentence of paragraph 40 characterize DIDMCA and its legislative history, which speak for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 40 are legal conclusions to which no response is required.

41. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 41.

42. The allegations in paragraph 42 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

43. The allegations in paragraph 43 characterize *NAIB v. Weiser* and the legislative history of House Bill 4116 which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

44. The allegations in paragraph 44 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

45. The allegations in the first sentence of paragraph 45 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 45 are legal conclusions to which no response is required.

46. The allegations in paragraph 46 characterize the Act of Dec. 21, 1979, Pub. L. No. 96-153, title III, Sec. 308, 93 Stat. 1113-14, codified at 12 U.S.C. § 1735f-7, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

47. The allegations in paragraph 47 characterize the Veterans Housing Act Amendments of 1976, Pub. L. No. 94-324, Sec. 8, 90 Stat. 722-23, codified at 12 U.S.C. § 1709-1a(b), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

48. The allegations in paragraph 48 are legal conclusions to which no response is required.

49. The allegations in paragraph 49 are legal conclusions to which no response is required.

50. The allegations in paragraph 50 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

51. The allegations in paragraph 51 characterize FDIC Interp. Ltr. No. 83-16, 1983 WL 207393 (Oct. 20, 1983), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

52. The allegations in paragraph 52 characterize *Greenwood Tr. Co. v. Massachusetts*, 1992 WL 12577410, at *35-36 (1st Cir. Feb. 27, 1992), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

53. The allegations in paragraph 53 are legal conclusions to which no response is required.

54. The allegations in paragraph 54 characterize House Bill 4116, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

55. The allegations in paragraph 55 are legal conclusions to which no response is required.

56. The allegations in paragraph 56 are legal conclusions to which no response is required.

57. The allegations in paragraph 57 are legal conclusions to which no response is required.

58. The allegations in paragraph 58 characterize *Baird v. Bonta*, 81 F.4th 1036 (9th Cir. 2023), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

59. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 59.

60. The allegations in paragraph 60 characterize *NAIB v. Weiser* and *Idaho v. Coeur d'Alene Tribe*, 794 F.3d 1039, 1046 (9th Cir. 2015), which speak for themselves and are

the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

61. The allegations in the first sentence of paragraph 61 are legal conclusions to which no response is required. The allegations in the second sentence of paragraph 61 and in footnote 5 characterize the FDIC National Survey of Unbanked and Underbanked Households (2023), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

62. Defendant denies the allegations in paragraph 62.

63. Defendant is without knowledge or information sufficient to ascertain the truth or falsity of the allegations in paragraph 63.

64. The allegations in the first sentence of paragraph 64 characterize House Bill 4116, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied. The remaining allegations in paragraph 64 are legal conclusions to which no response is required.

65. The allegations in paragraph 65 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

66. The allegations in paragraph 66 are legal conclusions to which no response is required.

67. The allegations in paragraph 67 are legal conclusions to which no response is required.

68. In response to paragraph 68, Defendant incorporates by reference Defendant's responses to paragraphs 1 through 67.

69. Defendant denies the allegations in paragraph 69.

70. The allegations in paragraph 70 are legal conclusions to which no response is required.

71. The allegations in paragraph 71 characterize DIDMCA, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

72. The allegations in paragraph 72 characterize *NAIB v. Weiser*, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

73. Defendant denies the allegations in paragraph 73.

74. The allegations in paragraph 74 are legal conclusions to which no response is required.

75. The allegations in paragraph 75 characterize the Declaratory Judgment Act, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

76. The allegations in paragraph 76 are legal conclusions to which no response is required.

77. Defendant denies the allegations in paragraph 77.

78. In response to paragraph 78, Defendant incorporates by reference Defendant's responses to paragraphs 1 through 77.

79. The allegations in paragraph 79 characterize the Commerce Clause of the U.S. Constitution, which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

80. The allegations in paragraph 80 characterize *Sam Francis Found. v. Christies, Inc.*, 784 F.3d 1320, 1323 (9th Cir. 2015), which speaks for itself and is the best evidence of its contents; any allegations contrary to the plain language, meaning, and context are denied.

81. The allegations in paragraph 81 characterize *Healy v. Beer Instit.*, 491 U.S. 324, 336 (1989), and *Sam Francis Found. v. Christies, Inc.*, 784 F.3d 1320 (9th Cir. 2015), which speak

for themselves and are the best evidence of their contents; any allegations contrary to the plain language, meaning, and context are denied.

82. Defendant denies the allegations in the first sentence of paragraph 82. The allegations in the second sentence of paragraph 82 are legal conclusions to which no response is required.

83. Defendant denies the allegations in paragraph 83.

84. The remainder of Plaintiffs' Complaint constitutes their requests for relief, to which no response is required. To the extent a further response is required, Defendant denies that Plaintiffs are entitled to the relief requested or any relief whatsoever.

85. Defendant denies any allegations in Plaintiffs' Complaint, whether express or implied, that are not specifically admitted, denied, or qualified herein.

AFFIRMATIVE DEFENSES

First Affirmative Defense

(Subject Matter Jurisdiction—Standing)

86. This Court lacks subject matter jurisdiction because Plaintiffs lack Article III standing to present their claims for relief.

Second Affirmative Defense

(Failure to State a Claim)

87. The Complaint fails to state a claim upon which relief can be granted.

REQUEST FOR RELIEF

WHEREFORE, having fully answered the Complaint, Defendant requests that this Court enter judgment in favor of Defendant and dismiss the Complaint with prejudice.

DATED August 6, 2026.

Respectfully submitted,

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