

No. 19-1059

In the

**United States Court of Appeals
For the Fourth Circuit**

PHILLIP ALIG, SARA J. ALIG, ROXANNE SHEA and DANIEL V.
SHEA, individually and on behalf of a class of persons,
Plaintiffs-Appellees,

v.

ROCKET MORTGAGE, LLC, f/k/a QUICKEN LOANS INC., and
AMROCK, INC., f/k/a TITLE SOURCE, INC.,
Defendants-Appellants.

On Appeal from the United States District Court
for the Northern District of West Virginia
Hon. John Preston Bailey, District Judge
Case Nos. 5:12-cv-00114 & 5:12-cv-00115

**THE CHAMBER OF COMMERCE OF THE UNITED STATES OF
AMERICA'S MOTION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF IN SUPPORT OF APPELLANTS AND REVERSAL**

Jennifer B. Dickey	Matthew A. Fitzgerald
Tyler S. Badgley	MCGUIREWOODS LLP
U.S. CHAMBER	Gateway Plaza
LITIGATION CENTER	800 East Canal Street
1615 H Street NW	Richmond, VA 23219
Washington, D.C. 20062	T: (804) 775-4716
T: (202) 463-5337	

Counsel for Amicus Curiae

March 21, 2022

CORPORATE DISCLOSURE STATEMENT

Amicus curiae The Chamber of Commerce of the United States of America hereby certifies that it is a non-profit membership organization, with no parent company and no publicly traded stock. The Chamber certifies that it is unaware of any publicly held corporation or similarly situated legal entity, other than those listed in Appellants' corporate disclosure statements, that has a direct financial interest in the outcome of this litigation.

/s/ Matthew A. Fitzgerald

Matthew A. Fitzgerald

Counsel for Amicus Curiae

MOTION

Under Federal Rule of Appellate Procedure 29, the Chamber of Commerce of the United States of America (the “Chamber”) respectfully moves for leave to file a brief as amicus curiae in support of Appellants Rocket Mortgage, LLC f/k/a Quicken Loans Inc. and Amrock, Inc. f/k/a Title Source, Inc. The proposed brief accompanies this motion. Counsel for Appellants consented to the filing of this brief. Counsel sought consent from lead counsel for Appellees but received no response.

The Chamber is the world’s largest business federation. It represents approximately 300,000 direct members and indirectly represents the interests of more than 3 million companies and professional organizations of every size, in every industry sector, and from every region of the country. An important function of the Chamber is to represent the interests of its members in matters before Congress, the Executive Branch, and the courts. To that end, the Chamber regularly files amicus briefs in cases that raise issues of concern to the nation’s business community.

Under the governing rules, motions for leave to file amicus briefs must state “the movant’s interest” and “the reason why an amicus brief

is desirable and why the matters asserted are relevant to the disposition of the case.” Fed. R. App. P. 29(a)(3). The Chamber’s members have a strong interest in promoting fair and predictable legal standards. They are particularly likely to be defendants in putative class actions. The Chamber’s members thus have a strong interest in ensuring that courts comply with the Supreme Court’s class action precedents, including undertaking the rigorous analysis required by Federal Rule of Civil Procedure 23. The Chamber has filed amicus briefs in several recent class action cases, including *TransUnion LLC v. Ramirez*, 141 S. Ct. 2190 (2021); *Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036 (2016); *Comcast Corp. v. Behrend*, 569 U.S. 27 (2013); and *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338 (2011).

Mindful of the role of amicus curiae, the Chamber’s amicus brief does not duplicate the parties’ arguments. The Chamber instead seeks to provide the Court with a perspective comparing the earlier panel majority’s ruling with *TransUnion* and its implications under Article III. That perspective reflects the interests of the Chamber’s members, who are frequent targets of this particular type of litigation.

Amicus briefs by the Chamber have been regularly accepted by federal courts of appeals and the United States Supreme Court. Other recent cases where this Court has agreed to accept an amicus brief from the Chamber include: *Mayor and City Council of Baltimore v. BP p.l.c.*, No. 19-1644 (4th Cir. 2019); *Estate of Arturo Giron Alvarez v. The Johns Hopkins University*, No. 19-1530 (4th Cir. 2019); *Elledge v. Lowe's Home Centers, LLC*, No. 19-1069 (4th Cir. 2019); *Upstate Forever v. Kinder Morgan Energy Partners, L.P.*, No. 17-1640 (4th Cir. 2018) (on petition for rehearing); *Calderon v. GEICO Gen. Ins. Co.*, No. 14-2114 (4th Cir. 2016) (on petition for rehearing).

For these reasons, the Chamber respectfully asks this Court to grant this motion and permit the filing of the attached amicus brief.

Dated: March 21, 2022

Respectfully submitted,

/s/ Matthew A. Fitzgerald

Matthew A. Fitzgerald
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
T: (804) 775-4716
F: (804) 698-2251
mfitzgerald@mcguirewoods.com

Jennifer B. Dickey
Tyler S. Badgley
U.S. CHAMBER LITIGATION
CENTER
1615 H Street NW
Washington, D.C. 20062
T: (202) 463-5337
jdickey@USChamber.com
tbadgley@USChamber.com

Counsel for Amicus Curiae

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5), the type-style requirements of Fed. R. App. P. 32(a)(6), and the type-volume limitations of Fed. R. App. P. 27(d)(2)(A). The motion is proportionally spaced, has a typeface of 14-point Century Schoolbook font, and contains 507 words.

/s/ Matthew A. Fitzgerald
Matthew A. Fitzgerald

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2022, the foregoing was filed with the Clerk of the United States Court of Appeals for the Fourth Circuit using the CM/ECF system. The system will serve counsel of record.

/s/ Matthew A. Fitzgerald
Matthew A. Fitzgerald

Counsel for Amicus Curiae