

No. 08-453

IN THE
Supreme Court of the United States

ANDREW M. CUOMO, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL FOR THE STATE OF NEW YORK,
Petitioner,

v.

THE CLEARING HOUSE ASSOCIATION L.L.C., AND
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Respondents.

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

**BRIEF FOR RESPONDENT
THE CLEARING HOUSE ASSOCIATION L.L.C.**

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QUESTION PRESENTED

Was the New York State Attorney General properly enjoined from demanding records of national banks relating to their mortgage lending, and from commencing proceedings to enforce state laws against national banks based on their mortgage lending, because such demands and enforcement proceedings would constitute an exercise of “visitorial powers” prohibited by 12 U.S.C. § 484 and 12 C.F.R. § 7.4000, a regulation promulgated by the Office of the Comptroller of the Currency?

(i)

CORPORATE DISCLOSURE STATEMENT

Respondent The Clearing House Association L.L.C. is an association of leading commercial banks, some of which are national banks. The Clearing House has no parent corporation and no publicly held company owns 10% or more of its stock.

In this action the Clearing House asserted associational standing on behalf of its members, and the decree entered by the District Court specifically applies to national banks that were members of the Clearing House when the decree was entered: Bank of America, National Association; Citibank, N.A.; HSBC Bank USA, National Association; JPMorgan Chase Bank, National Association; LaSalle Bank National Association; U.S. Bank National Association; Wachovia Bank, National Association; and Wells Fargo Bank, National Association. All these banks are still members of the Clearing House except LaSalle Bank National Association and Wachovia Bank, National Association.

(ii)

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