IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

CONSUMER FINANCIAL PROTECTION BUREAU, Plaintiff, v. 1ST ALLIANCE LENDING, LLC, *et al.*, Defendants.	Case No. 3:21-CV-00055-RNC

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [CORRECTED]

Pursuant to Fed. R. Civ. P. 56, Defendants John DiIorio and Kevin St. Lawrence (collectively, the "Individuals") and Defendant 1st Alliance Lending, LLC ("1st Alliance") (collectively, "Defendants") move for summary judgment in their favor in this action brought by Plaintiff Consumer Financial Protection Bureau ("Plaintiff" or "CFPB").

The Defendants all move for summary judgment on Count 4. 1st Alliance's use of unlicensed Home Loan Consultants and Submission Coordinators was not an unfair act or practice because it did not cause consumer harm, nor could it. Additionally, the Individuals lacked the requisite knowledge to establish individual liability.

1st Alliances moves for partial summary judgment on Count 1. It is entitled to partial summary judgment on Count 1 as to each state in which Plaintiff was unable to identify a single example of unlicensed activity by a Home Loan Consultant or Submission Coordinator, as well as for those states that reviewed the company's business model and affirmed it as compliant with their state SAFE Acts.

Finally, the Defendants all move for summary judgment on all Counts based on the CFPB's unconstitutional funding structure. *But see CFPB v. Law Offices of Crystal Moroney, P.C.*, 63 F.4th 174, 181 (2d Cir. 2023).

For these reasons and as set forth more fully in Defendants' Combined Summary Judgment Memorandum, Defendants move that this Court enter summary judgment in their favor on all Counts.

DATE: February 29, 2024

Respectfully submitted,

/s/ Mitchel H. Kider

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