IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

BUREAU of CONSUMER FINANCIAL PROTECTION Plaintiff, v. 1st ALLIANCE LENDING, LLC; JOHN DIIORIO; KEVIN ST. LAWRENCE; AND SOCRATES ARAMBURU, Defendants.	)	Case No. 3:21-CV-00055-RNC

INDIVIDUAL DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

Defendants John DiIorio, Kevin St. Lawrence, and Socrates Aramburu (the "Individuals"), through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6) move this Court to dismiss all claims asserted against them in the Amended Complaint, which includes Counts 3, 4, and 5, and in further support of this Motion, state as follows:

1. On January 16, 2021, the Consumer Finance Protection Bureau ("CFPB") filed its first Complaint against the Individuals and Defendant 1st Alliance Lending, LLC. Dkt. 1.

2. Pursuant to this Court's Pretrial Preferences, the Parties met and conferred, and the CFPB subsequently amended the Complaint on April 1, 2021. Dkt. 27.

3. The Parties met and conferred again on April 8, 2021. Because the Parties still could not resolve their differences concerning the Complaint, Defendants filed a consent motion for a pretrial conference and extension of time to respond, which the Court granted. *See* Dkt. 29.

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4. The Court subsequently waived the pretrial conference requirement, and directed Defendants to file their motions to dismiss by May 11, 2021. Dkt. 31.

5. The Amended Complaint brings three claims (Counts 3, 4, 5) against each of the Individuals under the Consumer Finance Protection Act's ("CFPA") prohibitions on unfair or deceptive act or practices, 12 U.S.C. §§ 5531(a), 5536(a)(1)(B). *See* Compl. ¶¶ 77-115.

6. The Individuals move to dismiss Counts 3, 4, and 5 pursuant to Rule 12(b)(6) because each Count fails to state a claim upon which relief can be granted.

7. The enclosed memorandum of law sets forth the legal grounds which require dismissal of the three CFPA claims asserted against the Individuals in Count 3, 4, and 5.

8. The Individuals respectfully request oral argument on their Motion.

Respectfully submitted,

/s/ Mitchel H. Kider

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Counsel for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2021, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Mitchel H. Kider
Mitchel H. Kider

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