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

DEFENDANT 1ST ALLIANCE'S MOTION TO DISMISS COUNTS 1, 2, 6 AND 9 OF THE COMPLAINT, OR IN THE ALTERNATIVE, FOR A MORE DEFINITIVE STATEMENT

Defendant 1st Alliance Lending, LLC, ("1st Alliance") through undersigned counsel, moves this Court to dismiss Counts 1, 2, 6, and 9 of the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), or in the alternative with respect to Count 1, 1st Alliance moves for a more definitive statement pursuant to Federal Rule of Civil Procedure 12(e), and in further support of this Motion states as follows:

1. On January 16, 2021, the Consumer Finance Protection Bureau ("CFPB") filed its first Complaint against 1st Alliance and individual defendants John DiIorio, Kevin St. Lawrence, and Socrates Aramburu (the "Individuals"). Dkt. 1.

2. Pursuant to this Court's Pretrial Preferences, the Parties met and conferred prior to Defendants filing a motion to dismiss. The CFPB subsequently amended the Complaint on April 1, 2021. Dkt. 27.

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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.

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 Complaint brings nine Counts against 1st Alliance. Compl. ¶¶ 63-134.

6. This Motion moves to dismiss Counts 1, 2, 6, and 9 pursuant to Rule 12(b)(6) because each of those Counts fails to state a claim for which relief can be granted. *See* Count 1, Compl. ¶¶ 63-73 (citing 12 C.F.R. § 1026.1 and 15 U.S.C. § 1601 *et seq.*) (Regulation Z); Count 2, Compl. ¶¶ 74-76 (citing 12 C.F.R. §§ 1026.19(e)(2)(ii), (iii)) (Regulation Z); Count 6, Compl. ¶¶ 116-123 (citing 12 C.F.R. § 1014.3) (Regulation N); and Count 9, Compl. ¶¶ 131-134 (citing 12 U.S.C. § 5536(a)(1)(A)) (Consumer Finance Protection Act).

7. In the alternative, with respect to Count 1 only, 1st Alliance moves pursuant to Rule 12(e) for a more definitive statement.

8. The enclosed memorandum of law sets forth the legal grounds in support of this Motion.

9. 1st Alliance respectfully requests oral argument be held on this Motion.

DATE: May 11, 2021

Respectfully submitted,

/s/ *Mitchel H. Kider*

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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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