UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff

v.

ACCESS FUNDING, LLC, ET AL. ,

Defendants

Case No. 1:16-cv-03759-JFM

DEFENDANT CHARLES E. SMITH'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendant Charles E. Smith, by and through undersigned counsel, Pursuant to Fed. Rule of Civ. Proc. 12, hereby requests an Order from the Court Dismissing Plaintiff's claims against Charles Smith for failure to state a claim upon which relief can be granted, and for good cause states as follows:

1. In its Complaint, Plaintiff alleges three (3) causes of action against Defendant Smith for violation of the Consumer Financial Protection Act, in Counts I, II, and III.

2. Plaintiff's Complaint fails to state a claim upon which relief can be granted as to Defendant Smith, in any of its Counts.

3. As is demonstrated and set forth in the accompanying Memorandum of Law, which is expressly incorporated, Plaintiff has failed to plead a sufficient cause of action due to failure to plead sufficient facts, and/or alleging causes of action inapplicable to Defendant Smith.

WHEREFORE, for the reasons stated herein, and in the accompanying Memorandum of Law, which is expressly incorporated by reference herein, Defendant Smith requests that the Court issue an Order dismissing Plaintiff's claim against Smith as set forth in Plaintiff

Complaint, with prejudice, and that the Court issue any and all relief it deems just and appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2017, copies the foregoing Memorandum of Law was served via the Court's electronic filing system upon all parties of record.

/s/Eric M. Rigatuso
Eric M. Rigatuso #27605