IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

CONSUMER FINANCIAL PROTECTION BUREAU 1700 G Street, NW Washington, DC 20552, Plaintiff, v. ACCESS FUNDING, LLC, 6900 Wisconsin Avenue, Suite 700 Chevy Chase, Maryland 20815 Montgomery County., *et al.* Defendants.	:	Case No. 1:16-cv-03759-JFM

DEFENDANT MICHAEL BORKOWSKI'S MOTION FOR BURFORD ABSTENTION AND STAY, OR IN THE ALTERNATIVE, TO DISMISS PLAINTIFF'S COMPLAINT

Defendant Michael Borkowski ("Borkowski" or "Moving Defendant") by and through the undersigned counsel, hereby files this Motion for *Burford* abstention and stay, or in the alternative, to Dismiss Plaintiff's Complaint, pursuant to Fed. R. Civ. P. 12 and for good cause states as follows:

1. Plaintiff has filed suit against Borkowski and several other Defendants, alleging causes of action arising out of Defendants' actions in connection with the purchase of "structured settlement payment rights."

2. Plaintiff has filed a two counts against Borkowski for violations of the Consumer Financial Protect Act (Counts IV and V[1]).

3. As is stated more fully in the accompanying Memorandum of Law, which is expressly incorporated herein, Plaintiff's Complaint against Borkowski should be dismissed

[1] Incorrectly labeled as Count VI in Plaintiff's Complaint.

because (1) the judgments authorizing the purchases of the structured settlement payment rights are not subject to collateral attack; (2) the Plaintiff lacks standing because the purchase of Structured Settlement Payment Rights is not covered under the Consumer Financial Protection Act; and (3) Plaintiff has failed to sufficiently plead that Moving Defendant engaged in abusive acts and practices. In the alternative, the Court should apply the *Burford* abstention doctrine and stay the action.

WHEREFORE, for the reasons stated herein, and in the accompanying Memorandum of Law, which is expressly incorporated herein, Mr. Borkowski moves the Court to grant this Motion, and issue an Order dismissing Plaintiff's claims against Moving Defendant, with prejudice, and issue any and all other relief it deems just and appropriate.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN, DOHERTY & KELLY, P.C.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30TH day of January, 2017, a copy of the foregoing Motion of Michael Borkowski's Motion to Dismiss was sent via first-class mail, postage prepaid to:

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