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- ELH

DEFENDANT CHARLES E. SMITH'S MOTION TO DISMISS AMENDED COMPLAINT, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT

Defendant Charles E. Smith ("Smith"), by and through undersigned counsel, hereby moves this Court pursuant to Fed. Rules of Civ. Proc. 12 and 56, for an Order dismissing Plaintiff's Amended Complaint as to Smith, with prejudice, or in the Alternative, for an Order entering judgment in Smith's favor. The reasons and support for Smith's Motion are set forth in full in the accompanying Memorandum of Law filed herewith.

Respectfully submitted,

/s/Gregg E. Viola
Gregg E. Viola, Bar Number 25737
ECCLESTON & WOLF, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076-1378
(410) 752-7474 (phone)
(410) 752-0611 (fax)
E-mail: viola@ewmd.com
Attorney for Defendant Charles E. Smith

/s/Eric M. Rigatuso
Eric M. Rigatuso, Bar Number 27605
ECCLESTON & WOLF, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076-1378
(410) 752-7474
(410) 752-0611 (fax)
E-mail: rigatuso@ewmd.com
Attorney for Defendant Charles E. Smith

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 2017, copies of the foregoing MOTION TO DISMISS was served to all counsel of record via the Court's electronic filing system.

/s/Eric M. Rigatuso
Eric M. Rigatuso