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-ELH

DEFENDANT MICHAEL BORKOWSKI'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Defendant Michael Borkowski ("Borkowski" or "Moving Defendant") by and through the undersigned counsel, hereby files this Motion Dismiss Plaintiff's Amended 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 two counts against Borkowski for violations of the Consumer Financial Protect Act (Counts IV and V).

3. As is stated more fully in the accompanying Memorandum of Law, which is expressly incorporated herein, Plaintiff's Amended Complaint against Borkowski should be dismissed because (1) Plaintiff has failed to sufficiently plead a viable claim against co-

defendant Charles Smith; and (2) Plaintiff has failed to sufficiently plead that Moving Defendant engaged in abusive acts and practices.

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 10th day of January, 2018, a copy of the foregoing Motion to Dismiss on behalf of Defendant Michael Borkowski was sent to all counsel of record listed below using the Court's CM/ECF filing system:

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