**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MASSACHUSETTS**

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| BUREAU OF CONSUMER FINANCIAL PROTECTION and the COMMONWEALTH OF MASSACHUSETTS *ex rel.* Maura Healey, Attorney General,<br><br>Plaintiffs,<br><br>v.<br><br>COMMONWEALTH EQUITY GROUP, LLC d/b/a KEY CREDIT REPAIR and NIKITAS TSOUKALIS<br><br>Defendants. | No. 20-cv-10991<br><br>Judge Rya W. Zobel |

**DEFENDANTS' RESPONSE TO PLAINTIFFS' ADDITIONAL UNDISPUTED FACTS**

Defendants Commonwealth Equity Group, LLC d/b/a Key Credit Repair and Nikitas Tsoukalis (together, "Key Credit"), respectfully submit this Response to Plaintiffs' Statement of Additional Undisputed Facts:

57. From June 1, 2020, to June 1, 2023, Key Credit's website displayed representations about Key Credit's credit-repair services, including:

- "FREE Credit Improvement Plan of Action" (Ex. 2 at ¶ 8(A) (Schneider Decl.));
- "Start correcting your credit report and start living the life you deserve!" (*id.* ¶ 8(B));
- "Our credit repair experts work on an Unlimited number of inaccurate items on your credit report with all 3 credit agencies and creditors, for one flat monthly fee with zero up-front or advanced fees" (*id.* ¶ 8(C));
- "We have no up-front costs, contracts or commitments" (*id.* ¶ 10(B));
- "A Simple Program To Correct Your Credit Scores" (*id.* ¶ 10(C));
- "Unlike other companies, we offer an Unlimited Service and a free credit counseling session up front. This means that we can work on

Every Single Negative item at once with All 3 Credit Agencies (rather than just a set number of negative items per month). We do this so that you see results much faster than with other companies" (*id.* ¶ 10(D));

- "Clients can start seeing corrections in as little as 45 days" (*id.* ¶ 10(E)); and
- "Key Credit Repair removed all of my negative records and I have only been with them for 2 months . . . Before Key Credit Repair I couldn't get a credit card, now I can." (*id.* ¶ 10(F)).

**RESPONSE:** Immaterial and undisputed that the quotations in Paragraph 57 are incomplete excerpts that appeared in iterations of Key Credit's website. Key Credit disputes that the quotations all appeared on the website in each year and disputes that the excerpts quoted above reflect all of the relevant information contained on the website's pages or the parties' written contracts among other things. (*See, e.g.*, Dkt. 114-10, 114-11, 114-12 (Hudson Aff., Exs. J-L; Dkt. 121-2 (Suppl. Hudson Aff., Ex. Q.) Key Credit disputes Plaintiffs' characterization that Key Credit made representations, which is an improper characterization that is not an assertion of material fact.

Dated: September 1, 2023

Respectfully Submitted,

COMMONWEALTH EQUITY GROUP, LLC d/b/a KEY CREDIT REPAIR and NIKITAS TSOUKALIS

By: /s/ Timothy A. Hudson
One of Their Attorneys

By: /s/ Stephanie R. Parker
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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 1, 2023.

/s/ Stephanie R. Parker
Stephanie R. Parker