IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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

DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

Defendants Commonwealth Equity Group, LLC d/b/a Key Credit Repair and Nikitas Tsoukalis (together, "Key Credit") respectfully move for judgment on the pleadings as to Counts I-V of the Amended Complaint of plaintiffs Bureau of Consumer Financial Protection (the "Bureau") and the Commonwealth of Massachusetts. Recently developed case law has highlighted the unconstitutionality of the Bureau's unusual funding mechanism. In bringing Counts I-IV of the Amended Complaint, the Bureau has employed, and is continuing to employ, unappropriated and unconstitutional funding sourced from the Federal Reserve. Absent this unconstitutional funding, the Bureau lacks the means to bring this action, and the Bureau's use of unappropriated funds in prosecuting the Amended Complaint has thus harmed Key Credit. Counts I-IV are an invalid exercise of the Bureau's authority, and Key Credit is entitled to judgment on those claims. In addition, judgment should be entered in Key Credit's favor on Count V because, although it is brought by plaintiff Commonwealth of Massachusetts, it is expressly predicated on the viability

of Counts I-IV. In support of this motion, Key Credit relies on and incorporates herein its contemporaneously-filed Memorandum of Law.

WHEREFORE, for all of the foregoing reasons, Key Credit respectfully requests that the Court grant judgment on the pleadings in its favor on Counts I-V of the Amended Complaint.

Respectfully submitted,

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

By their attorneys,

/s/ David B. Mack

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Dated: February 17, 2023

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I, David B. Mack, hereby certify that counsel conferred and attempted in good faith to resolve or narrow the issues raised herein but were unable to reach an agreement.

/s/ David B. Mack
David B. Mack

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 February 17, 2023.

/s/ David B. Mack
David B. Mack