IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS
EASTERN DIVISION

Bureau of Consumer Financial Protection,

Plaintiff,

v.

FDATR, Inc., et al.,

Defendants.

Case No. 1:20-cv-06879

Judge Georgia Alexakis

DEFENDANT DEAN TUCCI'S MOTION TO DISMISS FOR WANT OF PROSECUTION

Defendant Dean Tucci, by and through his undersigned counsel, respectfully moves this Court to dismiss the above-captioned action for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). In support of this motion, the Defendant states as follows:

1. The Bureau of Consumer Financial Protection ("Bureau") initiated this action against FDATR, Inc. and its principals, including Defendant Dean Tucci, in November 2020.
2. On January 10, 2025, this Court granted the Bureau's motion for summary judgment as to the issue of Tucci's liability and directed the Bureau to submit a legal memorandum addressing restitution and civil money penalties by February 11, 2025.
3. On or about February 3, 2025, the United States Secretary of the Treasury, Scott Bessent, the new acting director of the CFPB announced the effective shutdown of the Bureau of Consumer Financial Protection.
4. As a result of the Bureau's shutdown, the Bureau has ceased all operations and is unable to continue prosecuting this case.
5. All pending litigation was paused with attorneys instructed they were only empowered to seek continuances of existing cases and; therefore, the Plaintiff cannot prosecute this case nor comply with the court's January 10, 2025 order.
6. Federal Rule of Civil Procedure 41(b) provides that a defendant may move to dismiss an action or any claim against it for failure of the plaintiff to prosecute or if the plaintiff fails to comply with a court order.

7. Given the Bureau's inability to continue prosecuting this case and/or the plaintiff's failure to comply with a court order, dismissal for want of prosecution is appropriate.

WHEREFORE, Defendant Dean Tucci respectfully requests that this Court dismiss the above-captioned action for want of prosecution and grant such other and further relief as the Court deems just and proper.

DATED THIS 5th Day of February 2025

Respectfully submitted,

/s/ James DiBella
Attorney at Law

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2025, I electronically filed the foregoing *Defendant Dean Tucci's Motion to Dismiss for Want of Prosecution* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ James DiBella

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