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Attorney for Defendants Irvine WebWorks, Inc., dba Student Loan Processing.US, and James Krause

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

Consumer Financial Protection Bureau,

Plaintiff,

vs.

Irvine WebWorks, Inc., d/b/a Student Loan Processing.US, et al.,

Defendants.

CASE NO. 8:14-cv-01967-JVS-DFM

DEFENDANTS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT ON COUNT I OF THE COMPLAINT

Hearing Date: January 25, 2016
Hearing Time: 1:30 pm
Hearing Place: Crtrm. 10C

(*Hon. James V. Selna, US District Judge, presiding*)

(Supporting Memorandum of Points and Authorities and Declaration of James Krause filed concurrently herewith)

([Proposed] Order lodged concurrently herewith)

TO PLAINTIFF CONSUMER FINANCIAL PROTECTION BUREAU AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 25, 2016, at 1:30 p.m. or as soon thereafter as the matter may be called, in Courtroom 10C of the Southern Division of the U.S. District Court for the Central District of California, located in the Ronald Reagan Federal Building and United States Courthouse at 411 West Fourth

Street, Santa Ana, CA 92701, Hon. James V. Selna, U.S. District Judge presiding, defendants Irvine WebWorks, Inc., d/b/a Student Loan Processing.US, and James Krause (collectively, "SLP") will and hereby do move under Rule 56(a) of the Federal Rules of Civil Procedure for an Order granting partial summary judgment in SLP's favor on Count I of the Complaint for the alleged violation of the Telemarketing Sales Rule ("TSR"), 16 C.F.R. 310.4(a)(5)(i), promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. § 6102(c)(2), and enforceable by plaintiff under 15 U.S.C. § 6105(d).

The grounds for the motion are that there is no genuine dispute as to any material fact establishing that SLP is *not* a "debt relief service" as defined by Section 310.2(m) of the TSR, and thus, as a matter of law, SLP is not prohibited from charging an "advance fee" for its services by TSR Section 310.4(a)(5)(i). The motion is based on the supporting Memorandum of Points and Authorities and Declarations of James Krause and its attached exhibits filed concurrently herewith, the matters comprising the Court's file for this case, and such other argument, evidence, and materials as may be presented and which the Court may permit prior to or at the time of the hearing noticed hereby.

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on December 18, 2015.

Dated: December 28, 2015

JEFFREY C. BRIGGS
BRIGGS LAW OFFICE

By: /S/
Jeffrey C. Briggs
Attorneys for Defendants Irvine WebWorks, Inc., dba Student Loan Processing.US, and James Krause