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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CONSUMER FINANCIAL PROTECTION BUREAU

Plaintiff,

v.

MORGAN DREXEN, INC.
and
WALTER LEDDA, individually, and as owner, officer, or manager of Morgan Drexen, Inc.

Defendants.

CASE NO. SACV13-01267 JLS (JEMx)

Hon. Josephine L. Staton
Courtroom: 10A (Santa Ana)

DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS

DATE: December 13, 2013
TIME: 2:30 p.m.
CTRM: 10A

Action Filed: August 20, 2013
Trial Date: Not set

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on December 13, 2013 at 2:30 p.m., before the Honorable Josephine L. Staton, in Courtroom 10A of the United States District Court for the Central District of California, located at 411 West Fourth Street, Santa Ana, CA 92701-4516, Defendants Morgan Drexen, Inc. and Walter Ledda, will and hereby do move the Court to dismiss the Complaint because CFPB is unconstitutional and the Complaint otherwise fails to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6).

This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on Friday, October 18, 2013. Counsel were unable to reach a resolution other than to the date for hearing of the motion.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Nicholas M. DePalma, all pleadings, records, and papers filed in this action, the argument of counsel, any supplemental memoranda that may be filed by the parties, and such further evidence as the Court may consider at or before the hearing of this Motion.

Dated: October _25, 2013

VENABLE LLP

By: /s/ Celeste M. Brecht
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