UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RCG ADVANCES, LLC, a limited liability company, f/k/a Richmond Capital Group, LLC, also d/b/a Viceroy Capital Funding and Ram Capital Funding,

RAM CAPITAL FUNDING LLC, a limited liability company,

ROBERT L. GIARDINA, individually and as an owner and officer of RCG ADVANCES, LLC,

JONATHAN BRAUN, individually and as a *de facto* owner and an officer or manager of RCG ADVANCES, LLC, and

TZVI REICH, a/k/a Steven Reich, individually and as an owner and officer of RAM CAPITAL FUNDING LLC, and as a manager of RCG ADVANCES, LLC,

Defendants.

Case No.: 20-CV-4432 (LAK)

NOTICE OF MOTION TO DISMISS

Oral Arguments Requested

PLEASE TAKE NOTICE, that upon the Declaration of Anthony C. Varbero, dated August 21, 2020 and all exhibits annexed thereto, and the Memorandum of Law in Support, dated August 21, 2020, and upon all prior pleadings and proceedings heretofore had herein, the undersigned, as counsel to Defendants RCG Advances, LLC and Robert Giardina (the "Defendants"), will move this Court, in the United States District Court for the Southern District

of New York, 500 Pearl Street, New York, New York 10007, on a date to be scheduled by the Court, for an Order:

a. Pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), dismissing the complaint and all claims filed by Plaintiff, the Federal Trade Commission against Defendants for failure to state a claim; and

b. Awarding such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Local Rules of the Southern District of New York, opposing affidavits and answering memorandum, if any, shall be served within 14 days after service of the moving papers.

Dated: August 21, 2020
Brooklyn, New York

Respectfully Submitted,

JOSEPH MURE JR. & ASSOC.

By: *s/ Anthony C. Varbero*
Anthony Varbero, Esq.
David C. Casagrande, Esq.
26 Court Street, Suite 2601
Brooklyn, New York 11242
Telephone (718) 852-9100
Email: anthony.varbero@murelaw.com
Attorneys for Defendants Richmond Capital Group LLC, and Robert Giardina

To:

Federal Trade Commission via ECF
Ioana Gorecki, Esq.
Marguerite L. Moeller, Esq.
Michael D. White, Esq.

TERENZI & CONFUSIONE, P.C. via ECF
Ronald M. Terenzi, Esq.

-and-

LAW OFFICES OF THOMAS A. HARVEY PLLC
Thomas A. Harvey, Esq.
Attorneys for Defendants Ram Capital Funding LLC
And Tzvi Reich a/k/a Steve Reich