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21 Attorneys for Specially Appearing Defendant CITIGROUP, INC. and
22 Defendant CITIBANK, N.A.

23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA**

25 AMERICAN VIDEO DUPLICATING,
26 INC., a California corporation; TUSH LAW
27 LTD., a California limited partnership, and
28 KENNETH M. HAHN, a sole proprietor,
DBA CAL STATE FINANCIAL,
individually and on behalf of a class of
similarly situation businesses and individuals,

Plaintiffs,

v.

CITIGROUP INC., CITIBANK, N.A.; U.S.
BANCORP., U.S. BANK, N.A.;
JPMORGAN CHASE & CO., JPMORGAN
CHASE BANK, N.A., WELLS FARGO &
CO., WELLS FARGO N.A.; BANK OF
AMERICA CO., BANK OF AMERICA
N.A.; MUFG BANK LTD., MUFG UNION
BANK N.A.; LIVE OAK BANKSHARES
INC., LIVE OAK BANKING COMPANY;
PAYPAL HOLDINGS, INC.; NEWTEK

Case No. 2:20-cv-03815-ODW-
AGR

**NOTICE OF MOTION AND
MOTION TO DISMISS BY
SPECIALLY APPEARING
DEFENDANT CITIGROUP
INC. AND DEFENDANT
CITIBANK, N.A. [Fed. R. Civ.
P. 12(b)(1), 12(b)(6), & 12(b)(2)]**

Date: June 22, 2020
Time: 1:30
Judge: Hon. Otis D. Wright II
Court: Courtroom 5D
First Street Courthouse
350 W. 1st Street
Los Angeles, CA 90012

Complaint Filed: April 27, 2020

BUSINESS SERVICES, INC.; HAVEST
SMALL BUSINESS FINANCE; and; DOE
LENDERS 1 to 4,975, inclusive,

Defendants.

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 22, 2020 at 1:30 p.m. in Courtroom 5D, before Judge Otis D. Wright II, or as soon thereafter as the matter may be heard in the above-entitled Court, located at 350 W. 1st Street, Los Angeles, CA 90012, specially appearing Defendant Citigroup Inc. (“Citigroup”) and Defendant Citibank, N.A. (“Citibank,” and together, the “Citi Defendants”)¹ will and hereby do, move this Court to dismiss the claims against them in this case pursuant to Fed. R. Civ. P. (“Rule”) 12(b)(1) for lack of subject matter jurisdiction. Because there are no allegations *at all* demonstrating any connection between any of the named Plaintiffs and either of the Citi Defendants, let alone any specific factual allegations, Plaintiffs lack standing to maintain any claims against the Citi Defendants. In addition, Plaintiffs’ claims are not yet ripe for adjudication. Citi Defendants also move to dismiss the claims against them pursuant to Rule 12(b)(6) because Plaintiffs fail to plead a “short and plain statement” of a claim against either Citi Defendant, and Plaintiffs cannot allege facts that support a plausible claim for relief under any of their three purported causes of action. Also, Citigroup moves to dismiss the claims against it pursuant to Rule 12(b)(2) because Citigroup is not subject to personal jurisdiction in this Court.

The Motion to Dismiss is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the operative pleadings, all

¹ Defendant Citigroup Inc. enters a special appearance in order to challenge this Court’s jurisdiction over it. Citigroup Inc. is not an entity that processes loans under the CARES Act. Instead, Citigroup Inc. is a financial holding company under section 4(k) and (1) of the Bank Holding Company Act of 1956. Plaintiffs have not alleged any facts whatsoever as to why Citigroup Inc., the financial holding company, is a proper defendant or subject to any order here.

1 matters upon which this Court has taken and/or may take judicial notice, and upon
2 such evidence and argument, both written and oral, as may be introduced at, or
3 prior to, the hearing on this Motion. This Motion is made following the conference
4 of counsel pursuant to L.R. 7-3 which took place on May 11, 2020.

5 Dated: May 18, 2020 MAYER BROWN LLP

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7 By: /s/ Bronwyn F. Pollock
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*Attorneys for Specially Appearing Defendant
CITIGROUP INC. and Defendant CITIBANK, N.A.*