

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALICIA MARSHALL, DANIEL
PRONSKY, and PARIS TOWNSEND,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PRESTAMOS CDFI, LLC,

Defendant.

Civil Action No. 5:21-cv-04337-JMG

**STIPULATION AND ORDER REGARDING PLAINTIFFS' AMENDED
COMPLAINT AND SCHEDULING FOR DEFENDANT TO ANSWER
OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT**

WHEREAS, plaintiffs Alicia Marshall, Daniel Pronsky and Paris Townsend (“Plaintiffs”) commenced this action on October 1, 2021 against defendant Prestamos CDFI, LLC (“Prestamos”) by filing their Class Action Complaint (ECF No. 1);

WHEREAS, by stipulation of the parties, the Court entered an Order extending the time for Prestamos to answer or otherwise respond to Plaintiffs’ Complaint until December 10, 2021 (ECF No. 12);

WHEREAS, on December 10, 2021, Defendant advised Plaintiffs during a telephone call that Defendant would be filing a motion to dismiss Plaintiffs’ Complaint;

WHEREAS, on December 10, 2021, Defendant filed a motion for leave to file excess pages (ECF No. 14) and a motion to dismiss under Fed. R. Civ. P. 12(b)(1) and (6) (ECF No. 15) with an accompanying memorandum of law (ECF No. 15-1) and Exhibits (ECF No. 15-2 - 15-4);

WHEREAS, on December 13, 2021, in advance of the parties’ previously scheduled meet and confer under Fed. R. Civ. P. 26(f), Plaintiffs advised Defendant that Plaintiffs intend to file an

amended complaint and requested that Defendant voluntarily withdraw its motion to dismiss without prejudice;

WHEREAS, the parties conducted their Rule 26(f) meet and confer on December 13, 2021, and discussed, *inter alia*, Plaintiffs' intent to amend the complaint and a proposed briefing schedule that will help move these proceedings in a just and efficient manner;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendant, as follows:

1. Plaintiffs shall file an amended complaint on or before January 14, 2022.
2. Defendant shall file an answer or other response to Plaintiffs' amended complaint on or before February 14, 2022.
3. If Defendant files a motion to dismiss under Fed. R. Civ. P. 12, Plaintiffs shall file their opposition to any such motion by March 10, 2022.
4. Nothing in this Stipulation and Order shall be construed to prevent Defendant from seeking leave from the Court to file a reply brief in accordance with the Court's procedures.
5. Defendant's motion to dismiss Plaintiffs' original complaint shall be deemed moot upon Plaintiffs filing an amended complaint, and Plaintiffs accordingly shall not file a response to it and the Court will not adjudicate it.
6. The parties will file with the Court their Fed. R. Civ. P. 26(f) report on or before December 27, 2021.
7. The parties will exchange their respective disclosures under Fed. R. Civ. P. 26(a)(1) on or before January 14, 2022.

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Attorneys for Plaintiffs

Dated: December 20, 2021

IT IS SO ORDERED.

December 22, 2021

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Dated: December 20, 2021

/s/ John M. Gallagher

HON. JOHN M. GALLAGHER,
United States District Judge