

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

ALICIA MARSHALL, DANIEL PRONSKY,
PARIS TOWNSEND, NANCILEE
HOLLAND, LEONA OWSLEY,
KOLAWOLE AHMADOU, KIANA
DERVIN, KRISTINA HENDERSON,
DUSTIN INNIS, KELLY STALNAKER and
JAMIE JONES, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

PRESTAMOS CDFI, LLC,

Defendant.

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

PLAINTIFFS' MOTION FOR ACCOUNTING

Plaintiffs hereby move to compel defendant Prestamos CDFI, LLC (“Defendant” or “Prestamos”) to produce an accounting, and in support thereof state as follows:

1. Plaintiffs’ Amended Complaint details facts reflecting that Defendant secured cash advances from the federal government in large amounts based on misrepresentations regarding the loans that secured those advances. *See* ECF 18, ¶¶ 71, 88-89, 108, 117, 126, 131, 140, 149, 158, 167, 176, 179, 188, 197, 203 (a) – (g), 204 (a) – (ww). Those allegations are based largely on facts in the public record.
2. Plaintiffs and members of the proposed classes are the intended recipients of these funds, and thus have a vested interest in those proceeds and are faced with substantial uncertainty regarding their status or potential disposition of the funds among other things.

3. Defendant is required to maintain records and account for these cash advances by virtue of its status as a lender and its lending commitments pursuant to the Small Business Administration's Paycheck Protection Program ("PPP").

4. For all of these reasons, which are further detailed in the accompanying Memorandum of Law which is being filed and is incorporated herewith, the Court should compel Defendant to produce an accounting that accounts for and answers the following questions:

- a. How many of the 494,415 SBA-approved PPP borrowers that Defendant committed to fund did Defendant fail to fund?
- b. How much in federally-originated Paycheck Protection Program Liquidity Facility ("PPPLF") and other cash advances did Defendant receive that it failed to fund to SBA-approved borrowers?
- c. Where are those unfunded proceeds presently?
- d. If Defendant paid any such PPPLF and other cash advances to others, when and to whom and how much and why?
- e. How much in PPP loan processing fees did Defendant obtain on the unfunded loans of Plaintiffs and the members of the proposed classes?

Dated: April 22, 2022

Respectfully submitted,

BAILEY & GLASSER LLP

By: /s/ Lawrence J. Lederer

Lawrence J. Lederer (Pa. ID 50445)

Michael L. Murphy (*pro hac vice*)

Bart D. Cohen (Pa. ID 57606)

1055 Thomas Jefferson Street NW, Suite 540
Washington, DC 20007

T.: 202.463-2101

F.: 202.463-2103

llederer@baileyglasser.com

mmurphy@baileyglasser.com

bcohen@baileyglasser.com

and

NOLAN HELLER KAUFFMAN LLP

Justin A. Heller (admitted *pro hac vice*)

Matthew M. Zapala (admitted *pro hac vice*)

80 State Street, 11th Floor

Albany, NY 12207

T.: 518.449.3300

F.: 518.432.3123

jheller@nhkllp.com

mzapala@nhkllp.com

Attorneys for Plaintiffs and the Proposed Classes