

**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 and
CHICANOS POR LA CAUSA, INC.,

Defendants.

Case No. 5:21-cv-04337-JMG

**DEFENDANTS’ MOTION TO DISMISS
PLAINTIFFS’ SECOND AMENDED COMPLAINT**

Defendants Prestamos CDFI, LLC and Chicanos Por La Causa, Inc. (“CPLC”) hereby move, pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6), to dismiss the Second Amended Complaint, ECF No. 42, with prejudice for lack of subject matter jurisdiction, for lack of personal jurisdiction over Defendant CPLC, and for failure to state a claim upon which relief can be granted.

Defendants’ position is that the grounds for dismissal under Rules 12(b)(1), 12(b)(2), and 12(b)(6)—regarding the Court’s lack of jurisdiction, Plaintiffs’ inability to state claims under Counts One through Five of the Second Amended Complaint, and the absence of a private right of action under the Coronavirus Aid, Relief, and Economic Security Act—do not arise from pleading deficiencies that are curable by amendment, and that, moreover, further meet-and-confers over a

pleading which remains little changed from when Defendants first moved to dismiss would be fruitless. *See* Policies and Procedures of Judge John M. Gallagher § II(B)(5).

WHEREFORE, Defendants respectfully request that the Court enter an order granting their Motion to Dismiss and dismissing the Second Amended Complaint with prejudice.

Dated: June 3, 2022

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**pro hac vice admission to be sought*

Attorneys for Defendants