

**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.

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

**DEFENDANT PRESTAMOS CDFI, LLC’S
MOTION TO DISMISS PLAINTIFFS’ COMPLAINT**

Defendant Prestamos CDFI, LLC, hereby moves, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss the Complaint with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

On December 10, 2021, counsel for Prestamos called counsel for Plaintiffs and provided notice of this motion to dismiss and outlined its substance. Counsel were unable to reach a resolution that would eliminate the need for the portion of this motion made under Rule 12(b)(6). Defendant’s position is that the grounds for dismissal under Rule 12(b)(6)—regarding the inability to state claims under Counts I and II of the Complaint, and the absence of a private right of action under the Coronavirus Aid, Relief, and Economic Security Act—do not assert pleading deficiencies that are curable by amendment. See Policies and Procedures of Judge John M. Gallagher § II(B)(5).

WHEREFORE, Prestamos respectfully requests that the Court enter an order granting its Motion to Dismiss and dismissing the Complaint with prejudice.

Dated: December 10, 2021

BALLARD SPAHR LLP

By: /s/ Marcel S. Pratt

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**pro hac vice admission to be sought*

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