

**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.

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

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

Defendant Prestamos CDFI, LLC, hereby moves, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss the Amended Complaint, ECF No. 18, with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

On February 7, 2022, counsel for Prestamos telephonically met-and-conferred with counsel for Plaintiffs to provide notice of this motion to dismiss and outline its substance. Counsel were unable to reach a resolution that would eliminate the need for filing this motion. Defendant's position is that the grounds for dismissal under Rules 12(b)(1) and 12(b)(6)—regarding the Court's lack of jurisdiction, Plaintiffs' inability to state claims under Counts One through Four of the 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. *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 Amended Complaint with prejudice.

Dated: February 14, 2022

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**pro hac vice admission to be sought*

Attorneys for Defendant