

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRENDA KAY SMITH, on behalf of herself))	
and all others similarly situated,))	
)	
PLAINTIFF,))	
)	
v.))	CASE NO. 1:09-cv-1007-MEF
)	
ALLIED INTERSTATE, INC. and))	
LVNV FUNDING, LLC.,))	(WO)
)	
DEFENDANTS.))	

MEMORANDUM OPINION AND ORDER

This case alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FCDPA”). The matter is presently before the Court on the Motion to Dismiss (Doc. # 7) filed on November 30, 2009. By this motion brought pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Allied Interstate, Inc. and LVNV Funding, LLC. contend that this case should be dismissed in its entirety because the Complaint fails to state a claim upon which relief can be granted. Plaintiff opposes this motion. The Court has carefully considered the arguments advanced in support of and in opposition to the motion and finds that the motion is due to be DENIED.

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, --- U.S. ----, 129 S. Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *Sinatrainal v. Coca-Cola Co.*, 578 F.3d 1252, 1268 (11th Cir. 2009). A

