

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

D'LIVRO BEAUCHAMP and)	
OBELISK HEALTHCARE, LLC,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
v.)	2:11cv1029-MHT
)	(WO)
MIKE WALLACE, et al.,)	
)	
Defendants.)	

ORDER

Based on the representations made during the on-the-record conference call held June 4, 2013, it is ORDERED that the motion to dismiss filed by defendant De Lage Landen Financial Services, Inc. (doc. no. 129), is denied in part and granted in part as follows:

(1) The motion to dismiss filed by defendant De Lage Landen Financial Services, Inc. (doc. no. 129), is denied to the extent that the defendant seeks dismissal of the complaint on the basis of improper service. Defendant De Lage Landen Financial Services, Inc., has been served,

has notice of the lawsuit, and was named as a defendant in this case by substitution.

(2) The motion to dismiss filed by defendant De Lage Landen Financial Services, Inc. (doc. no. 129) is granted to the extent that the claim under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, is dismissed.

(3) The motion to dismiss filed by defendant De Lage Landen Financial Services, Inc. (doc. no. 129) is granted to the extent that the allegation of fraud is dismissed with leave to amend the complaint in compliance with the requirements of Federal Rule of Civil Procedure 9(b).

(4) The motion to dismiss filed by defendant De Lage Landen Financial Services, Inc. (doc. no. 129) is otherwise denied with leave to renew following amendment of the complaint.

DONE, this the 11th day of October, 2013.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE