

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

LAURIE B. JOHNS and JOSHUA R. :
JOHNS, individually and on behalf of a :
class of persons similarly situated, :

Plaintiffs, :

vs. : Civil Action No. 14-0254-KD-C

WELLS FARGO BANK, N.A., :

Defendant.

ORDER

This action is before the Court on the Report and Recommendation, the objection filed by defendant Wells Fargo Bank NA, and the response to the objection filed by plaintiffs Laurie B. Johns and Joshua R. Johns (docs. 23, 25, 28).

For motions to dismiss, the Court need only find sufficient facts to render a claim plausible. By referring to Wells Fargo as servicing the loan, this is sufficient to allege that it is a loan servicing company. Of course, Wells Fargo will be able to challenge the sufficiency of the evidence to support this allegation on motion for summary judgment.

Therefore, after due and proper consideration of the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 6, 2014, is **ADOPTED** as the opinion of this Court.

Accordingly, the motion to dismiss filed by defendant Wells Fargo (doc. 14) is **GRANTED IN PART** and **DENIED IN PART**. The plaintiffs' 15 U.S.C. § 1692e(11) claim is dismissed with leave for plaintiffs to file, on or before **January 23, 2015**, a motion for leave to amend their complaint to properly allege a violation of § 1692(e)(11). The motion is otherwise **DENIED**.

DONE this 12th day of January 2015.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE