

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Christine Baker,

10 Plaintiff,

11 v.

12 Midland Funding LLC, et al.,

13 Defendants.

No. CV-13-08169-PCT-DGC

ORDER

14
15 Defendants Barry Bursey, Jason LeRoy, Monica Derrick, and Gina Scalese (the
16 “Individual Bursey Defendants”) have filed a motion for judgment on the pleadings.
17 Doc. 55. Plaintiff Baker has responded. Doc. 63. No party has requested oral argument.
18 The motion will be granted.

19 On January 30, 2014, the Court granted Defendant Midland Funding LLC’s
20 motion for judgment on the pleadings. Doc. 56. The Court held that Plaintiff Baker’s
21 claims against all defendants under the Fair Debt Collections Practices Act (“FDCPA”)
22 were barred by the statute of limitations. *Id.* The Court held that any new allegations
23 that Plaintiff may offer to support her FDCPA claims would be futile. *Id.* at 8. The
24 Court granted Plaintiff leave to amend only her Fair Credit Reporting Act (“FCRA”)
25 claims. *Id.*

26 Plaintiff’s claims against the Individual Bursey Defendants all relate to her
27 FDCPA claims. Specifically, Plaintiff claims that the Individual Bursey Defendants
28 acted improperly in litigating the underlying lawsuit. Doc. 27-2, Am. Complaint, ¶¶ 58-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

65. The Court has already held, however, that post-filing litigation actions by Defendants do not constitute separate violations of the FDCPA that could extend the statute of limitations beyond the date of filing of the underlying lawsuit. Doc. 56 at 3-4.

Plaintiff's allegations under the FCRA are supported only by facts regarding the actions of Defendants Equifax and Midland. *Id.*, ¶¶ 70-75. Plaintiff has not alleged that the Individual Bursey Defendants violated the FCRA.

IT IS ORDERED that the motion for judgment on the pleadings as to the Individual Bursey Defendants (Doc. 55) is **granted**.

Dated this 24th day of February, 2014.



David G. Campbell
United States District Judge