

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMIAN M. MIRANDA, an individual,

Plaintiff,

v.

LAW OFFICE OF D. SCOTT CARRUTHERS, a general partnership,
DENNIS SCOTT CARRUTHERS,

Defendants.

) Case No.: 10-cv-01487-OWW-SMS

) ORDER RE: PLAINTIFF’S MOTION
) TO STRIKE AND MOTION FOR
) PARTIAL SUMMARY JUDGMENT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to the motions of Plaintiff Damian M. Miranda (“Plaintiff”) for an order striking defendants’ affirmative defenses (Doc. 7) and for partial summary judgment which was heard on May 16, 2011 (Doc. 18) and good cause appearing therefore;

IT IS SO ORDERED THAT

1. Plaintiff’s motion to strike each of the affirmative defenses asserted in the Answer (Doc. 6) filed by defendants, Law Office of D. Scott Carruthers (“Defendant Law Firm”), and Dennis Scott Carruthers (together “Defendants”) is GRANTED;

2. Plaintiff’s motion for partial summary judgment as to Defendants’ liability under the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692e(10) for the statement “NOTICE OF PENDING COURT PROCEEDINGS” as false is GRANTED;

3. Plaintiff's motion for partial summary judgment as to Defendants' liability under the FDCPA, 15 U.S.C. §1692e(10) for the phrase "When the judgment is obtained" is DENIED;

4. Plaintiff's motion for partial summary judgment as to Defendants' liability under the FDCPA, 15 U.S.C. §1692f is DENIED;

5. Plaintiff's motion for partial summary judgment as to Defendants' liability under the FDCPA, 15 U.S.C. §1692g is DENIED;

6. Plaintiff's motion for partial summary judgment as to Defendant Law Firm's liability under the California Rosenthal Fair Debt Collection Practices Act ("CA FDCPA"), Cal. Civil Code §1788.13(j) is GRANTED; and

7. Plaintiff's motion for partial summary judgment as to Defendant Law Firm's liability under the CA FDCPA, Cal. Civil Code §1788.17 is GRANTED.

IT IS SO ORDERED.

Dated: June 3, 2011

/s/ OLIVER W. WANGER
United States District Judge