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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

6 CATHERINE EVON,

7 Plaintiff,

8 v.

9 LAW OFFICES OF SIDNEY MICKELL; and
10 SIDNEY MICKELL, ESQ.; and DOES 1
through 100, inclusive,

11 Defendants.

Case No. 2:09-CV-00760-JAM-KJN

**ORDER DENYING PLAINTIFF’S
MOTION FOR CLASS CERTIFICATION
AND MOTION TO REOPEN
DISCOVERY**

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13 In this action under the Fair Debt Collection Practices Act, 15 USC §1692 *et. seq.*
14 (“FDCPA”), Plaintiff’s Motion for Class Certification was heard on this Court’s calendar on
15 June 2, 2010. Sergei Lemberg, Lemberg & Associates, LLC and Lara Shapiro appeared for
16 plaintiff and the proposed class. John N. Dahlberg, AnnaMary E. Gannon, and Angelito R.
17 Sevilla, Dillingham Murphy, LLP, appeared for the defendants. After due consideration of the
18 moving and opposing papers and having heard oral argument, the Court finds, for the reasons
19 set forth on the record,¹ that plaintiff has not carried her burden of demonstrating that all the
20 requirements of Federal Rules of Civil Procedure, Rule 23(a) have been satisfied. The Motion
21 for Class Certification is therefore denied.
22

23 Plaintiff also moves to reopen discovery for the purpose of obtaining additional
24 disclosure relating to Defendants’ net worth. Under the FDCPA, 15 U.S.C. § 1692k(a)(2)(B), a
25 Defendant’s net worth is used to determine the maximum statutory damages that can be
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28 ¹ The transcript of the June 2, 2010 proceedings herein [Docket 72] is appended hereto and incorporated herein by reference.

1 awarded to the class. Since the class has not been certified, there is no need for that discovery
2 and plaintiff's motion is denied as moot.

3 IT IS SO ORDERED.
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5 Date: June 30, 2010

6 /s/ John A. Mendez
7 Honorable John A. Mendez
8 Judge of the United States District Court
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