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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARA BOWERMAN,

Plaintiff,

v.

INTERNATIONAL COLLECTION
AGENCY, LLC; and DOES 1-10
INCLUSIVE,

Defendants.

No. 2:14-cv-02452-MCE-CKD

ORDER

This is an action brought by Plaintiff Sara Bowerman (“Plaintiff”) against Defendants International Collection Agency, LLC (“International”) and Does 1-10, inclusive (collectively “Defendants”), in which Plaintiff alleges two causes of action against Defendants for violations of the Fair Debt Collection Practices Act under 15 U.S.C. § 1692, as well as the Fair Debt Collection Practices Act under California Civil Code §1788. Currently before the Court is Plaintiff’s Motion to File First Amended Complaint (“Motion”) (ECF No. 18). For the reasons set forth below, Plaintiff’s Motion is GRANTED.¹

Plaintiff allegedly incurred a financial obligation (the “Debt”) to Westgate Lakes

¹ Unless otherwise noted, the following facts are taken from Plaintiffs’ First Amended Complaint. ECF No. 18-1.


1 Owners Association, Inc. Defendant International attempted to collect on the Debt on
2 June 17, 2014 by mailing Plaintiff a letter (the "Letter"). The Letter stated that Plaintiff
3 "must" repay the Debt within forty-five (45) days, and that "failure to do so may result in
4 legal action." The Letter also included a provision acknowledging Plaintiff's right to
5 dispute the Debt within thirty (30) days of the receipt of the Letter. Plaintiff filed her
6 original complaint on October 20, 2014 (ECF No. 1). Defendants filed a Motion to
7 Dismiss on December 19, 2014 (ECF No. 7). Plaintiff subsequently filed a Motion to File
8 First Amended Complaint on January 16, 2015 (ECF No. 18).

9 Federal Rule of Civil Procedure 15(a)(2) provides that in all cases falling outside
10 of the 21 day grace period following the service of the original complaint or of a
11 responsive pleading or motion, "a party may amend its pleading only with the opposing
12 party's written consent or the court's leave." Plaintiff alleges that counsel for Defendant
13 International consented to this Motion in writing. Mot. to File First Am. Compl. at 2.
14 Further, Defendants have not filed an opposition to this Motion with the Court.

15 Accordingly, Plaintiff's Motion (ECF No. 18) is GRANTED, and the February 19,
16 2015, hearing on that Motion is VACATED. Not later than five (5) days following the
17 date this order is electronically filed, Plaintiff is directed to file the amended complaint
18 with the Court. Defendants' pending Motion to Dismiss (ECF No. 7) is DENIED as moot,
19 and the March 5, 2015, hearing on that Motion is VACATED as well.

20 IT IS SO ORDERED.

21 Dated: February 11, 2015

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25 MORRISON C. ENGLAND, JR., CHIEF JUDGE
26 UNITED STATES DISTRICT COURT
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