

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:16-cv-2455-GHW	Date	November 15, 2017
Title	<i>Marlena Hernandez v. Rash Curtis & Associates</i>		

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

PROCEEDINGS: IN CHAMBERS - RULING ON:

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [22];

**DEFENDANT RASH CURTIS & ASSOCIATE'S MOTION FOR
SUMMARY JUDGMENT OR, PARTIAL SUMMARY JUDGMENT
[24]**

In light of the oral argument at the November 13, 2017, the Court will adopt its tentative as its final. The Court would GRANT Plaintiff's Motion for Summary Judgment as to her TCPA claims but only as to the 19 calls that occurred on or after May 16, 2016, but DENY Plaintiff's Motion for Summary Judgment as to her First Cause of Action for all calls prior to May 16, 2016. The Court would also award Plaintiff treble damages for the 19 TCPA violations. The Court would DENY Plaintiff's MSJ with respect to her Second and Third Causes of action. The Court would DENY Defendant's Motion for Summary Judgment as to First, Second, and Third Causes of Action except as noted in the tentative. Specifically, the Court would GRANT Defendant's MSJ with respect to Plaintiff's First Cause of Action but only as to the 19 calls that took place before June 16, 2016. The Court would also GRANT Defendant's MSJ with respect to Plaintiff's Second Cause of Action to the extent it is based on a Section 1692c violation of the FDCPA.

The Court sets a status conference for December 11, 2017 at 8:30 a.m., with a joint status report to be filed by noon on December 5, 2017. Counsel may appear telephonically provided advanced notice is given to the clerk.

Initials of Preparer JG