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8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO/DIVISION

11 JENNIFER EPSTEIN,
 12 Plaintiff,

13 vs.

14 DIVERSIFIED COLLECTION
 15 SERVICES, INC., et. al.,
 16
 17 Defendants.

CASE NO.: 3:11-cv-03984-MEJ

**CASE MANAGEMENT
 STATEMENT AND REQUEST FOR
 CONTINUANCE OF SCHEDULING
 CONFERENCE**

Fed. R. Civ. P. 26(f)
 Date: December 1, 2011
 Time: 10:00 A.M.
 Courtroom B, 15th Fl. – San Francisco
 Hon. Maria- Elena James

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 25 Plaintiff JENNIFER EPSTEIN ("Plaintiff") submits this report in
 26 accordance with Rule 26(f) of the Federal Rules of Civil Procedure, and states
 27 that the Defendant has executed a waiver of service of process, the defendant's
 28

1 answer is now due on January 17, 2012, and the parties are still engaging in early
2 settlement discussions. Plaintiff, on behalf of herself and Defendant requests the
3 Scheduling Conference be continued to a time following the Defendant's Answer.

4 **1. Jurisdiction and Service**

5 Jurisdiction is proper pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. §
6 1337. Defendant executed a waiver of service, filed November 9, 2011,
7 Document 8. Defendant's Answer is due on January 17, 2012.

8 **2. Facts**

9 Plaintiff alleges that the Defendant contacted Plaintiff at her place of
10 employment after being told not to contact her at work. Defendant told Plaintiff
11 "We can take you to court." Defendant has not initiated legal action and does not
12 have legal standing to do so.

13 Plaintiff also alleges that the Defendant contacted the secretary at her place
14 of employment, and without Plaintiff's consent, alerted the secretary of Plaintiff's
15 alleged debt, and repeatedly called asking to speak with Plaintiff.

16 Defendant has not yet filed its answer.

17 **3. Legal Issues**

18 Whether or not the Defendant's conduct violated the FDCPA.

19 **4. Motions**

20 There are no current motions and no motions anticipated at this time.

21 **5. Amendment of Pleadings**

22 Plaintiff does not intend to amend her pleadings.

23 **6. Evidence Preservation**

24 Plaintiff does not have any tape recordings or evidence to preserve other
25 than testimony.

26 **7. Disclosures**

27 Disclosures will be made by January 31, 2012.

28 **8. Discovery**

1 No discovery has yet taken place, the scope of discovery includes evidence
2 of Plaintiff's claims and evidence of Defendant's defenses. No discovery plan can
3 be made without the Defendant's input.

4 **9. Class Actions**

5 This is not a class action.

6 **10. Related Cases**

7 None.

8 **11. Relief**

9 Plaintiff seeks statutory damages of \$1000 and reasonable attorney fees and
10 costs.

11 **12. Settlement and ADR**

12 The parties are engaging in early settlement discussions. At this time, no
13 agreement as to the ADR procedure has been reached because Defendant has not
14 yet filed its Answer.

15 **13. Consent to Magistrate**

16 Plaintiff has consented to a magistrate judge for all purposes. Defendant
17 has not yet consented or declined.

18 **14. Other References**

19 The Defendant has not yet answered and therefore the case cannot be
20 suitable for alternative disposition.

21 **15. Narrowing of Issues**

22 At this time there are no issues that can be narrowed by motion or
23 stipulation.

24 **16. Expedited Trial Procedure**

25 The Defendant has not yet answered so it cannot be agreed upon whether
26 or not the case is suitable for expedited trial procedure.

27 **17. Scheduling**

28 No proposed dates can be given until Defendant answers and appears.

1 **18. Trial**

2 Plaintiff requests a jury trial and expects a three day trial.

3 **19. Disclosure of Non-party Interested Entities or Persons**

4 Plaintiff has filed the Certificate of Interested Entities or Persons, there are
5 none. Defendant has not yet filed its answer or other documents.

6 **20. Other Matters**

7 There are no other matters at this time.

8
9 DATED: November 29, 2011

10 By /s/ Lara Shapiro
11 Lara Shapiro
12 Attorneys for Plaintiff, Jennifer Epstein

13
14 DATED: November 29, 2011

