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

GUY JAKUB, on behalf of himself, the general public, and those similarly situated)	Case No. 12-CV-06113-SC
)	
Plaintiff,)	ORDER GRANTING MOTION TO <u>STRIKE AFFIRMATIVE DEFENSES</u>
)	
v.)	
)	
A.R.M. SOLUTIONS, INC., BRAD JADWIN, JAMES MONTGOMERY,)	
)	
Defendant.)	
)	

Plaintiff Guy Jakub ("Plaintiff") brings this putative class action against Defendants A.R.M. Solutions, Inc., Brad Jadwin, and James Montgomery (collectively, "Defendants") for, inter alia, violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ECF No. 1 ("Compl."). Defendants have filed an answer, asserting eleven affirmative defenses. ECF No. 3 ("Answer"). Plaintiff now moves to strike each of these affirmative defenses. ECF No. 8 ("Mot."). Defendants do not contest the motion, but ask for leave to amend with respect to their fifth and ninth affirmative defenses. ECF No. 9 ("Opp'n") at

1 2. Plaintiff argues that the Court should deny Defendants leave to
2 amend their ninth affirmative defense for "reliance on the
3 creditor" because it is duplicative of their fifth affirmative
4 defense for "bona fide error." ECF No. 10 ("Reply") at 2-3. In
5 light of the paucity of facts pled in the Answer, the Court is
6 unable to determine whether the two defenses are duplicative.
7 Accordingly, the Court GRANTS Plaintiff's motion to strike
8 Defendants' affirmative defenses and GRANTS Defendants leave to
9 amend their fifth and ninth affirmative defenses.¹ Defendants
10 shall amend these defenses within thirty (30) days of the signature
11 date of this Order or they may be dismissed with prejudice.

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13 IT IS SO ORDERED.

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15 Dated: March 22, 2013

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UNITED STATES DISTRICT JUDGE

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27 ¹ The Court directs the parties to its recent Order in Dion v.
28 Fulton Friedman & Gullace LLP, 11-2727 SC, 2012 WL 160221, 2012
U.S. Dist. LEXIS 5116 (N.D. Cal. Jan. 17, 2012), for guidance on
the standards for pleading affirmative defenses.