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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

TONY NGUYEN,  
  
Plaintiff,  
  
vs.  
  
LVNV FUNDING, LLC, et al.,  
  
Defendants.

CASE NO. 15cv758-LAB (RBB)

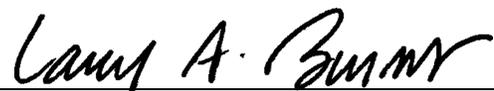
**ORDER STAYING ACTION**

Tony Nguyen sued Defendants under the Fair Debt Collection Practices Act for allegedly filing time-barred state collection actions against him. Last year, the Court granted summary judgment in a similar suit brought by Nguyen’s attorney against LVNV Funding. *See Ordinario v. LVNV Funding, LLC*, 2016 WL 852843 (S.D. Cal. Mar. 4, 2016). Nguyen’s counsel appealed. The case has been fully-briefed for a year and the Ninth Circuit may hear oral argument on the issues this December.

Courts have broad discretion to stay cases pending the resolution of “proceedings which bear upon the case.” *Leyva v. Certified Grocers*, 593 F.2d 857, 863 (9th Cir. 1979). *Ordinario* held that plaintiffs who waive statute of limitations defenses in California courts can’t file FDCPA actions premised on statute of limitations violations in federal courts. If the Ninth Circuit agrees, then that ruling will govern this case as well. Since this case is fully-briefed, there’s no harm in waiting a few more months for the Ninth Circuit to weigh-in. Pending the Ninth Circuit’s ruling in *Ordinario v. LVNV Funding*, the case is **STAYED**.

**IT IS SO ORDERED.**

Dated: September 20, 2017



**HONORABLE LARRY ALAN BURNS**  
United States District Judge