

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02665-MSK-MJW

SCOTT BAKER,

Plaintiff,

v.

NRA GROUP, LLC, a Pennsylvania limited liability company,

Defendant.

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**ORDER REGARDING**  
**(1) DEFENDANT NRA GROUP, LLC'S MOTION TO COMPEL PURSUANT TO FED.**  
**R. CIV. P. 37 (Docket No. 25)**  
**and**  
**(2) DEFENDANT NRA GROUP, LLC'S MOTION TO MAINTAIN CONFIDENTIALITY**  
**OF DOCUMENTS (Docket No. 23)**

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Entered by Magistrate Judge Michael J. Watanabe

This matter was before the court on January 22, 2014 for hearing on Defendant NRA Group, LLC's Motion to Compel Pursuant to Fed. R. Civ. P. 37 (docket no. 25) and Defendant NRA Group, LLC's Motion to Maintain Confidentiality of Documents (docket no. 23). The court has reviewed the subject motions (docket nos. 25 and 23), the responses (docket nos. 27 and 29) and reply (docket no. 31). In addition, the court has taken judicial notice of the court's file and has considered applicable Federal Rules of Civil Procedure and case law. The court now being fully informed makes the following findings of fact, conclusions of law and order.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The court finds:

1. That I have jurisdiction over the subject matter and over the parties

to this lawsuit;

2. That venue is proper in the state and District of Colorado;
3. That each party has been given a fair and adequate opportunity to be heard;
4. That this is a Fair Debt Collections Practice Act ("FDCPA") case brought by the Plaintiff pursuant to 15 U.S.C. § 1692, *et seq.* In the Complaint, Plaintiff alleges that Defendant NRA Group, LLC, a Pennsylvania limited liability company ("NRA") violated the FDCPA by: (a) falsely stating that plaintiff's account with NRA would be reported to the credit bureaus until paid and that paying the account was the only way to get the accounts off of the credit reports; and (b) NRA reported plaintiff's account to the credit bureaus despite plaintiff's purported "dispute" of the account. See Complaint (docket no. 1) at ¶¶ 27-71, 85;
5. That NRA seeks an Order from this court compelling Plaintiff to provide to NRA a full and complete respond to Interrogatory no. 8 and 24 and to Requests for Production of Documents Nos. 2, 9, 13 and 21. See subject motion (docket no. 25);
6. That the subject motion (docket no. 25) is MOOT and should be DENIED per Defendant NRA Group, LLC's Combined Reply Regarding Motion to Maintain Confidentiality of Documents (docket no. 23) and Motion to Compel Pursuant to Fed. R. Civ. P. 37 (docket no. 25) Pursuant to Court Order (docket no. 30) [docket no.

31]. In particular, see paragraph 4 in docket no 31; and

7. That the parties have now informed this Court that the personal contact information for NRA employees Lori Gutshall and Ashley Johnson is not confidential since such personal information is in the public domain. Accordingly, the request to keep such personal contact information for Ms. Gutshall and Ms Johnson is MOOT and that part of the subject motion (docket no. 23) should be DENIED. As to Ms. Chille's personal contact information, Plaintiff's counsel, Mr. Larson has now agreed to keep the personal contact information for Ms. Chille confidential for the time being, but would like to reserve the right to raise the claim of confidentiality later in the case. See paragraph 3 in docket no. 31. NRA argues that the issue concerning confidentiality of Ms. Chille's personal contact information is ripe for ruling because it does not want to re-litigate this issue later in this case. This court finds that the issue of confidentiality of the personal contact information concerning Ms. Chille is currently MOOT and not at issue at this time, noting that Mr. Larson, as an officer of this court, has informed NRA's counsel that he will not seek disclose to Ms. Chille's personal contact information to any third parties at this time and, in essence, will only use such information in this case only.

**ORDER**

WHEREFORE, based upon these findings of fact and conclusions of law this court ORDERS:

1. That Defendant NRA Group, LLC's Motion to Compel Pursuant to Fed. R. Civ. P. 37 (docket no. 25) is DENIED as MOOT;
2. That Defendant NRA Group, LLC's Motion to Maintain Confidentiality of Documents (docket no. 23) is DENIED as MOOT;
3. That Plaintiff may use the personal contact information for Ms. Chille for this case only and for no other purpose. If Plaintiff wishes to try and use Ms. Chille's personal contact information for any purpose other than for this case, Plaintiff must seek a Court Order to do so;
4. That the documents submitted by Defendant for in camera review during the January 22, 2014 hearing shall be returned to Defendant. The documents shall be kept in the court's chambers until they can be picked up by Defendant; and
5. That each party shall pay their own attorney fees and costs for these motions (docket nos. 25 and 23).

Done this 29th day of January 2014.

BY THE COURT

s/ Michael J. Watanabe  
MICHAEL J. WATANABE  
U.S. MAGISTRATE JUDGE