

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

MARIELA DECAIRES,

Plaintiff,

v.

Case No. 6:21-cv-1785-WWB-EJK

FINANCIAL RECOVERY SERVICES
OF MINNESOTA, INC.,

Defendant.

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ORDER

THIS CAUSE is before the Court on Defendant's Unopposed Motion to Stay (Doc. 16), wherein Defendant requests that this case be stayed pending the Eleventh Circuit's en banc rehearing and decision in *Hunstein v. Preferred Collection & Management Services, Inc.*, No. 19-14434, which will address whether a plaintiff alleging a claim for violation of the Fair Debt Collection Practices Act ("**FDCPA**"), 15 U.S.C. § 1692 *et seq.*, based on the transmission of personal information to a third-party has Article III standing. See *Hunstein v. Preferred Collection & Mgmt. Servs., Inc.*, 994 F.3d 1341, 1344 (11th Cir. 2021); *Hunstein v. Preferred Collection & Mgmt. Servs., Inc.*, No. 19-14434, Memorandum to Counsel or Parties (11th Cir. Nov. 23, 2021). Plaintiff does not oppose the Motion. (Doc. 16 at 2).

A district court has "broad discretion to stay proceedings," and a stay may be justified "pending the resolution of a related case in another court." *Ortega Trujillo v. Conover & Co. Commc'ns*, 221 F.3d 1262, 1264 (11th Cir. 2000) (quotation omitted). "When ruling on a motion to stay pending the resolution of a related case in another forum,

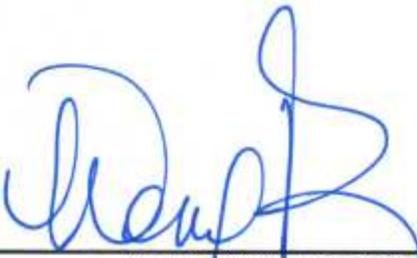
district courts must consider both the scope of the stay and the reasons given for the stay.” *Lipford v. Carnival Corp.*, 346 F. Supp. 2d 1276, 1278 (S.D. Fla. 2004).

Here, Plaintiff’s Complaint (Doc. 1-1) alleges that Defendant violated state and federal debt collection practices by providing Plaintiff’s personal information to a third-party vendor to prepare or transmit a debt collection letter. (*Id.* ¶¶ 20–22). Plaintiff does not allege any other basis for liability. (*Id.* ¶¶ 35, 39). Thus, because Plaintiff’s standing to assert a claim under the FDCPA has been called into question, the outcome in *Hunstein* could be dispositive in this litigation. Having reviewed the pleadings and noting that the parties agree to the stay of these proceedings, this Court finds that a brief stay of these proceedings pending the resolution of *Hunstein* is proper.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. Defendant’s Motion to Stay (Doc. 16) is **GRANTED**.
2. This case is **STAYED** pending the Eleventh Circuit’s resolution of *Hunstein v. Preferred Collection & Management Services, Inc.*, No. 19-14434. Defendant shall notify this Court within fourteen days of the issuance of an opinion in the above referenced matter by the Eleventh Circuit and shall attach a copy of the same to its notice.
3. The Clerk is directed to administratively close this case.

DONE AND ORDERED in Orlando, Florida on January 7, 2022.



WENDY W. BERGER
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record