

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LORI SHAMBLIN,

Plaintiff,

v.

Case No. 8:13-cv-2428-T-33TBM

OBAMA FOR AMERICA,

Defendant.

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ORDER

This matter comes before the Court pursuant to Plaintiff Lori Shamblin's Motion for Class Certification (Doc. # 5), which was filed on September 20, 2013. The Court denies the Motion without prejudice.

Discussion

On September 19, 2013, Shamblin filed this putative class action case alleging that Obama for America violated the Telephone Consumer Protection Act ("TCPA") 47 U.S.C. § 227 during the 2012 presidential election. (Doc. # 1). On September 20, 2013, Shamblin filed her Motion for Class Certification. (Doc. # 5). Rather than analyzing the merits of class certification under the rubric of Rule 23, Fed. R. Civ. P., Shamblin requests an Order staying consideration of the Motion "until such time as Plaintiff has the opportunity to conduct discovery with respect to the specific elements of

Rule 23, and to set a deadline by which Plaintiff shall file her memorandum of points and authorities in support of this motion." (Doc. # 5 at 2).¹

This case is in its infancy. The docket reflects that Shamblin has yet to effect service of the summons and the Complaint on Obama for America. In addition, the Court has not yet entered a Case Management and Scheduling Order containing the operative case deadlines. Rather than staying the present Motion, which is three pages in length and devoid of substantive analysis, the Court finds the better course of action is to deny the Motion without prejudice. After Shamblin has effected service of the summons and Complaint, Shamblin should confer with Obama for America regarding the deadline for filing motions for class certification. Thereafter, Shamblin may file a motion for extension of time in which to seek class certification.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

Plaintiff Lori Shamblin's Motion for Class Certification (Doc. # 5) is **DENIED WITHOUT PREJUDICE.**

¹ Shamblin correctly notes that Local Rule 4.04 requires that motions for class certification be filed within 90 days of the complaint.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 9th
day of October, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: all parties of record