

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

ADAM WILLIAMS,

Plaintiff,

v.

CASE NO. 8:16-cv-1223-T-26MAP

OCWEN LOAN SERVICING, LLC,

Defendant.

ORDER

UPON DUE AND CAREFUL CONSIDERATION, it is **ORDERED AND ADJUDGED** that Defendant's Motion to Stay Action Pending a Ruling on the Definition of ATDS (Dkt. 15) is **denied** for failure to comply with the conferral requirements of Local Rule 3.01(g). Furthermore, Defendant has not demonstrated how a favorable ruling overturning the FCC's new interpretation of an automated telephone dialing system will benefit Defendant in this case in terms of affecting whether the automated telephone dialing system it allegedly used in this case would or would not fall within the statutory definition of an automated telephone dialing system. The Court notes in that regard that in a previous case tried to a jury before this Court in an action involving the Telephone Consumer Protection Act, the Defendant stipulated to the fact that it utilized an automatic telephone dialing system in attempting to collect a debt in

that case.¹ Finally, if the Defendant perceived that a favorable ruling from the District of Columbia Circuit Court of Appeals was to be expected, why did it wait so long after oral argument in October of last year to bring this matter to the attention of the Court some four months later. Assuming the District of Columbia Circuit issues a ruling which Defendant deems beneficial to it in this case, it may utilize that ruling in a motion for summary judgment filed after the completion of discovery.

DONE AND ORDERED at Tampa, Florida, on February 21, 2017.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record

¹ See Drew v. Ocwen Loan Servicing, LLC, case number 8:14-cv-369-T-26TGW, docket 101, page 12.