

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

HYE PARK
on behalf of herself and all others
similarly situated,

Plaintiff,

v.

SHAPIRO & SWERTFEGER, LLP,
Defendant.

CIVIL ACTION FILE
NO. 1:12-CV-1132-TWT

ORDER

This is an action under the Fair Debt Collection Practices Act. It is before the Court on the Report and Recommendation [Doc. 20] of the Magistrate Judge recommending denying the Defendant's Motion to Dismiss [Doc. 12]. In her First Amended Complaint, the Plaintiff alleges that Wells Fargo is not a creditor as defined by the Act because it received an assignment of her note solely for purposes of debt collection. The Magistrate Judge correctly recognized that the First Amended Complaint must be construed in favor of the Plaintiff and that this allegation requires the Court to deny the Motion to Dismiss. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to

Dismiss [Doc. 12] is DENIED. The issue will be revisited at the summary judgment (and perhaps Rule 11) stage of this action.

SO ORDERED, this 15 day of February, 2013.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge