

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

**FREDERICK LUSTER, on behalf of  
himself and all others similarly  
situated,**

**Plaintiff,**

**v.**

**1:15-cv-2854-WSD**

**STERLING JEWELERS, a  
Delaware Corporation doing  
business as Kay Jewelers,**

**Defendant.**

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**OPINION AND ORDER**

On December 17, 2015, the Court entered an Order [28] granting Defendant Sterling Jewelers' ("Defendant") Motion to Stay [15]. The Court stayed this action pending the United States Supreme Court's decisions in Robins v. Spokeo, Inc. and Campbell-Ewald Co. v. Gomez. The Court required the parties, within twenty-one (21) days after the Supreme Court decided Robins v. Spokeo, Inc. and Campbell-Ewald Co. v. Gomez, to advise the Court how the decisions impact the further processing of this case.

The Supreme Court has issued rulings in both cases.<sup>1</sup> On June 6, 2016, the parties filed their Joint Status Report Regarding Stay [29]. In it, the parties advise the Court that they agree that the Campbell-Ewald decision does not impact the proceedings of this case. The parties disagree, however, on whether Spokeo impacts the case. Defendant believes Spokeo establishes that Plaintiff does not have standing to litigate this action and that the case should be dismissed. Plaintiff Frederick Luster (“Plaintiff”) contends Spokeo does not impact the litigation, but, if it does, remand rather than dismissal is required.

The parties seek a lift of the stay to permit Defendant to file a Motion for Judgment on the Pleadings based on Spokeo. The parties agree the stay on discovery should remain in place until the Court rules on Defendant’s Motion for Judgment on the Pleadings.

For the foregoing reasons,

**IT IS HEREBY ORDERED** that the stay of this action is **LIFTED**.

**IT IS FURTHER ORDERED** that Defendant Sterling Jewelers is permitted to file, on or before July 1, 2016, its Motion for Judgment on the

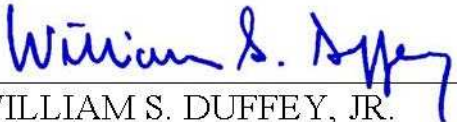
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<sup>1</sup> The cases are published as follows: Campbell-Ewald Co. v. Gomez, 136 S. Ct. 633 (2016) and Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016).

Pleadings. Plaintiff shall respond to the motion on or before July 20, 2016. A reply, if any, is required to be filed by Defendant on or before July 29, 2016.

**IT IS FURTHER ORDERED** that discovery in this action will remain stayed until the Court rules on Defendant's Motion for Judgment on the Pleadings.

**SO ORDERED** this 13th day of June, 2016.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE