IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA AUGUSTA DIVISION

JAMES ALIFF and SAVANNAH DIANNE	*
McNORRILL, on behalf of	*
themselves and all others	*
similarly situated,	*
	*
Plaintiffs,	*
	*
v.	*
	*
RESURGENT CAPITAL SERVICES and	*
LVNV FUNDING, LLC,	*
	*
Defendants.	*

CV 114-198

ORDER

On May 4, 2015, the Court stayed three cases on its docket pending the Eleventh Circuit Court of Appeals' decision in Johnson v. Midland <u>Funding, LLC</u>, No. 15-11240 (11th Cir. Mar. 24, 2015).¹ Upon review, the Court finds that a stay is equally appropriate in this matter. Indeed, as Defendants point out in brief (Doc. 49), Plaintiffs' argument that "acceptance" of payments on a time-barred debt constitutes a violation of the Fair Debt Collection Practices Act ("FDCPA") separate and apart from filing the related time-barred proof of claim is identical to that presented in <u>McNorrill v. Asset Acceptance, LLC</u>, No. 1:14-cv-210 (S.D. Ga. Nov. 7, 2014). Defendants similarly raise a statute of limitations defense.

Nevertheless, the Court recognizes that the parties in this matter have not been afforded an opportunity to respond to the propriety of a

¹ Ford v. Quantum3 Group, LLC et al., No. 1:15-cv-031, Doc. 7; <u>McNorrill</u> v. Asset Acceptance, LLC, No. 1:14-cv-210, Doc. 29; <u>Willis v. Cavalry</u> Investments, LLC et al., No. 1:14-cv-227, Doc. 34.

stay. For that reason, each party shall have **SEVEN DAYS** to file a response, if they wish, to the imposition of a stay. Failure to file a response within seven days shall indicate there is no opposition to the Court's proposed course of action.

ORDER ENTERED at Augusta, Georgia, this 54 day of May, 2015.

J. RANDAL HALL HONORAL UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF GEORGIA

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