

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

EVADNE S. FORD, on behalf of
herself and all others
similarly situated,

Plaintiff,

v.

QUANTUM3 GROUP, LLC and GALAXY
PORTFOLIOS, LLC,

Defendants.

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CV 115-031

JOSEPH MICHAEL McNORRILL,
on behalf of himself and all
others similarly situated,

Plaintiff,

v.

ASSET ACCEPTANCE, LLC,

Defendant.

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CV 114-210

BRENDA WILLIS,

Plaintiff,

v.

CAVALRY INVESTMENTS, LLC,
CAVALRY PORTFOLIO SERVICES, LLC,

Defendants.

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CV 114-227

O R D E R

In these cases, the plaintiffs allege that the defendants violated the FDCPA by filing proofs of claim on stale debts in the plaintiffs' bankruptcy proceedings. The Court previously stayed these matters pending the Eleventh Circuit's resolution of Johnson

v. Midland Funding, LLC. After the Eleventh Circuit issued its decision in Johnson, the Court lifted the stays and these cases proceeded. Since then, the Supreme Court has granted certiorari in Johnson. See Johnson v. Midland Funding, LLC, 823 F.3d 1334, cert. granted, 2016 WL 4944674 (U.S. Oct. 11, 2016). Accordingly, the defendants request that the Court stay these cases pending the Supreme Court's decision.

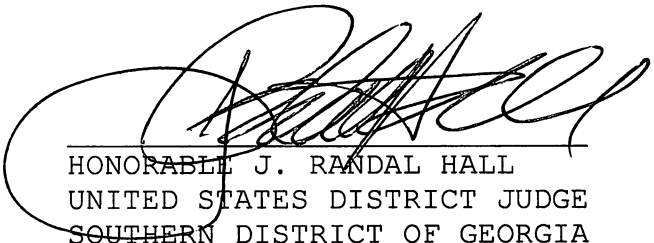
"The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket." Luster v. Sterling Jewelers, No. 1:15-cv-2854-WSD, 2015 WL 9255553, at *2 (N.D. Ga. Dec. 17, 2015) (citation omitted) (internal quotation marks omitted). And "[a] variety of circumstances may justify a district court stay pending the resolution of a related case in another court." Ortega Trujillo v. Conover & Co. Commc'ns, 221 F.3d 1262, 1264 (11th Cir. 2000). When a decision by the Supreme Court may be dispositive, a stay pending that decision is warranted. See Luster, 2015 WL 9255553, at *3.

Because the issues on which the Supreme Court granted certiorari are likely dispositive in these cases, a stay is warranted. Accordingly, the Court **GRANTS** the defendants' motions (docs. 27, 53, 55). These cases shall be **STAYED** pending the Supreme Court's decision in Johnson.

The plaintiffs in these cases alternatively request that the Court require the defendants to deposit the funds collected in the bankruptcy proceedings into a court-controlled account. The Court **DENIES** this request, which is a request for an impermissible pre-judgment attachment. See Fed. R. Civ. P. 64 ("[E]very remedy is

available that, under the law of the state where the court is located, provides for seizing a person or property to secure satisfaction of the potential judgment."); Patel v. Alpha Inv. Props., Inc., 458 S.E.2d 476, 476 (Ga. 1995) ("A review of the hearing that led to the challenged order reveals that the purpose of the order was to ensure that the funds would be available should certain of appellees prevail in a suit against appellants We agree with appellants that under the facts in this case, the trial court's order violates O.C.G.A. § 9-5-6." (footnote omitted)).

ORDER ENTERED at Augusta, Georgia, this 9th day of December, 2016.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA