

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BOBBY and MELODY HALLAM,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 09 C 2499
	)	
WEINBERG, STANLEY & ASSOCIATES,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Bobby and Melody Hallam (collectively "Hallams") have filed a First Amended Complaint and Demand for Jury Trial ("FAC") against Weinberg, Stanley & Associates ("Weinberg"), a filing that is permissible as a matter of right under Fed. R. Civ. P. ("Rule") 15(a) because the original Complaint (brought by Bobby Hallam alone) has not been the subject of an answer or motion for summary judgment. This memorandum order is issued sua sponte because of a fatal defect that is disclosed by that new pleading.

This action purports to be grounded in the Fair Debt Collection Practices Act--here are FAC ¶¶11 and 12:

11. Defendant places collection calls to Plaintiffs seeking and demanding payment for an alleged debt.

12. Defendant is attempting to collect a debt Plaintiff does not owe.

But nothing of the sort is ascribed to Weinberg. Instead FAC ¶14 says this (an allegation echoed in FAC ¶15, which asserts that Weinberg then repeated the same assertedly false assertion to Bobby Hallam):

14. Defendant falsely stated to Plaintiff Melody Hallam that it was attempting to locate Plaintiff Bobby Hallam's mother because of purportedly suspicious and fraudulent activity relating to Plaintiff Bobby Hallam's mother's account.

Nothing in that last-quoted allegation reflects any demand by Weinberg for "payment for an alleged debt" that "Plaintiff does not owe," as FAC ¶¶11 and 12 would have it. Instead plaintiffs' counsel appears simply to have repeated some boilerplate allegations from counsel's stock of form complaints.<sup>1</sup> This action is dismissed sua sponte.



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Milton I. Shadur  
Senior United States District Judge

Date: June 19, 2009

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<sup>1</sup> Whatever happened to counsel's responsibility under Rule 11(b)?