

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

Mildred Calender,)
)
 Plaintiff,)
)
 v.) No. 09 C 7085
)
 Receivables Performance)
 Management, LLC, a Washington)
 limited liability company,)
)
 Defendant.)

Memorandum Order

This action has just been brought under the auspices of the Fair Debt Collection Practices Act by a Chicago law firm, which seeks to represent Mildred Calender ("Calender") in her proceeding against Receivables Performance Management, LLC ("Receivables Performance") based on the latter's asserted violation of that statute. This memorandum order is issued sua sponte to dismiss both the Complaint and this action -- albeit without prejudice -- because the case simply has no basis for being advanced in this judicial district.

Complaint ¶ 3 identifies Calender as a Texas citizen, an allegation further confirmed by the fact that the Complaint exhibits bearing her signature were notarized before a Texas notary public. Complaint ¶ 4 identifies Receivables Performance as a State of Washington limited liability company. And Complaint ¶ 10 alleges that despite its having been warned not to communicate further with Calender, Receivables Performance

persisted by calling the cell phone of her sister Sarah Calender, with Complaint Ex. D specifying that cell phone is assigned to a "903" area code (sited in Longview, Texas).

Calender may well have a viable claim against Receivables Performance, a subject on which this Court expresses no substantive view. But what is eminently plain is that the mere location of counsel's office in this judicial district, plus the facts asserted in Complaint ¶ 8 that Receivables Performance is also licensed to conduct business in Illinois and that it also maintains a registered agent here, as well as the fact asserted in Complaint ¶ 6 that it is licensed as a collection agency in this state, provide no predicate whatever for bringing this as a Northern District of Illinois lawsuit.

Accordingly, as stated at the outset, both the Complaint and this action are dismissed. Because of the basis stated here for such dismissal, it is without prejudice to Calender's possible institution of a like action in an appropriate forum.



Milton I. Shadur
United States District Judge

Date: November 13, 2009