


impression that it is threatening either illegal action or action that it has no intention of taking.

16. As a direct consequence of the Defendant's acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

That "reasonable impression" does not strike this Court as at all reasonable, except perhaps from the perspective of a lawyer seeking to take undue advantage of the generous lens through which the Act requires collection letters to be read. This Court expresses no ultimate view on the subject, but on or before February 6, 2015 Toro's counsel is ordered to file a brief listing of cases (not a memorandum) that in counsel's view support a claim under the auspices of the Act.¹ In the interim this Court is not setting an initial status hearing date in the case.



Milton I. Shadur
Senior United States District Judge

Date: January 27, 2015

¹ Those listed opinions should, of course, preferably be the work product of federal courts at the appellate level -- we are regularly (and properly) reminded by our Court of Appeals that District Court opinions carry no precedential weight.