

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

SEAN HARRIS,

Plaintiff,

v.

NATIONSTAR MORTGAGE

350 Highland Dr.  
Lewisville, TX 75067

Defendant.

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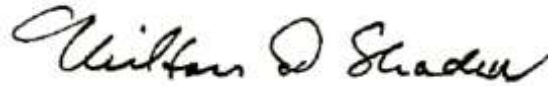
Case No. 16 C 11381

**MEMORANDUM ORDER**

On December 19, 2016 this Court issued a sua sponte memorandum order posing the question whether defendant Nationstar Mortgage was a "debt collector" under the terms of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692a(6). Counsel for plaintiff Sean Harris has responded by filing an Amended Complaint that reflects a misunderstanding of that question, framing it as an inquiry "to clarify whether the Defendant is also the original creditor" -- a question to which the original Complaint ¶¶ 9 and 12 had already provided a negative answer.

But in any event, even though Judge Daniel Manion's separate opinion in McKinney v. Cadleway Props., Inc., 548 F.3d 496, 505-06 (7th Cir. 2008) would appear to be more faithful to the statutory language than the view that has gained acceptance through the majority opinion in that case and the later opinion of our Court of Appeals in Ruth v. Triumph P'ships, 577 F.3d 790, 796-97 (7th Cir. 2009), the latter authorities have taught that the statutory term "debt collector" encompasses any party that seeks to collect a debt that did not originate with that party, which

instead acquired the debt from another party at a time when the debt was in default. This Court is of course duty-bound to adhere to that established caselaw. Accordingly this action will go forward, and this Court is contemporaneously issuing a memorandum order setting an initial status hearing date.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large initial "M".

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Milton I. Shadur  
Senior United States District Judge

Date: January 9, 2017