

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

PATRICK O'BRIEN,)
v.)
Plaintiff,)
Case No. 17 C 1170
RGS FINANCIAL, INC.)
dba RGS COLLECTIONS, INC.)
c/o National Corporate Research)
600 South Second Street, Suite 404)
Springfield, IL 62704,)
Defendant.)

MEMORANDUM ORDER

This action, in which Patrick O'Brien ("O'Brien") seeks to invoke the Fair Debt Collection Practices Act (the "Act") against RGS Financial, Inc. ("RGS"), has come to this Court's calendar by random assignment. This memorandum order is issued *sua sponte* because of a problematic aspect of O'Brien's Complaint.

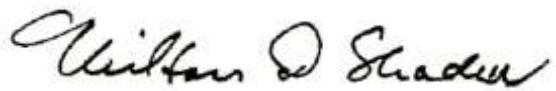
O'Brien recites a litany only too familiar to members of the federal judiciary to whose calendars the volume of such actions has provided substantial growth in recent years. O'Brien filed for bankruptcy last December 7, scheduling the debt that is the focus of the current Complaint (see Complaint ¶ 11). RGS then acquired the previously-defaulted debt after December 7 (Complaint ¶ 12), and Complaint ¶ 13 then sets out this quite amorphous allegation:

Despite the bankruptcy filing, in or around December 2016, Defendant telephoned Plaintiff several times to collect the Debt.

Notice pleading, rather than fact pleading, is the order of the day in federal litigation. But what this Court is wont to refer to as the "Twombly-Iqbal canon" has injected a requirement of

"plausibility" into the test for sufficiency of a federal complaint, and O'Brien's counsel has to know that the Complaint that he has drafted falls woefully short of satisfying that requirement.

Accordingly this Court sua sponte orders this case set for an initial status hearing at 9:15 a.m. March 8, 2017. Before that date O'Brien's counsel is ordered to file an amendment to the existing Complaint that sufficiently fleshes out the claim that RGS's conduct has violated the Act to enable this Court to determine whether this action should be permitted to go forward.



Milton I. Shadur
Senior United States District Judge

Date: February 24, 2017