

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JOHNSON

CIVIL ACTION

VERSUS

20-103-SDD-SDJ

COURTESY AUTOMOTIVE  
GROUP, ET AL.

**RULING**

The Court has carefully considered the *Motion*<sup>1</sup>, the record, the law applicable to this action, and the *Report and Recommendations*<sup>2</sup> of United States Magistrate Judge Scott D. Johnson, dated March 8, 2021, to which no objection was filed.

The Court hereby approves the *Report and Recommendations* of the Magistrate Judge and adopts it as the Court's herein.

**ACCORDINGLY**, the Defendants' Rule 12(b)(6) *Motion to Dismiss* is hereby GRANTED, and the claims of Plaintiff against Defendants under the Federal Trade Commission Act and the Consumer Leasing Act are DISMISSED WITH PREJUDICE and the claims of Plaintiff against Defendants under the Truth in Lending Act are DISMISSED WITHOUT PREJUDICE.

**IT IS FURTHER ORDERED** that Plaintiff is permitted to file an amended complaint within 21 days of this Court's ruling to the extent Plaintiff wishes to cure the deficiencies of her claim under the Truth in Lending Act outlined above. Should Plaintiff decline to file an amended complaint, her claims shall be dismissed with prejudice and judgment will be entered in favor of Defendants.

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<sup>1</sup> Rec. Doc. 7.

<sup>2</sup> Rec. Doc. 18.

**IT IS FURTHER ORDERED** that Defendants' Rule 12(b)(5) Motion to Dismiss, to the extent it challenges service of process of Defendant Todd Hebert, is hereby DENIED.

**IT IS FURTHER ORDERED** that Defendants' Rule 12(b)(5) Motion to Dismiss, to the extent it challenges service of process of Defendant Courtesy Automotive Group, is hereby DENIED WITHOUT PREJUDICE. If Plaintiff chooses to file an amended complaint within the 21 days allowed, she is ordered to ensure that service of her amended complaint is perfected on Defendant Courtesy Automotive Group pursuant to Rule 4 within 21 days of filing that amended complaint.

Finally,

**IT IS FURTHER ORDERED** that Defendants' Alternative Motion for More Definite Statement is hereby DENIED AS MOOT.

Signed in Baton Rouge, Louisiana on March 31, 2021.



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CHIEF JUDGE SHELLY D. DICK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA