

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

CHARLES D. COMBE,

Plaintiff,

vs.

Case No. 2:16-cv-12857

District Judge Bernard A. Friedman

Magistrate Judge Anthony P. Patti

GOODMAN FROST, P.L.L.C.,
ROBERT J. GOODMAN,
TIMOTHY J. FROST and
CORPORATE DOE-1,

Defendants.

**ORDER DEEMING RESOLVED
PLAINTIFF'S MOTION TO COMPEL DISCOVERY (DE 18)**

In this lawsuit, Plaintiff alleges that Defendants have violated the Federal Debt Collection Practices Act (FDCPA) and the Michigan Consumer Protection Act (MCPA) by: (a) attempting to collect a debt discharged in bankruptcy, (b) sending a form collection letter that made it appear that there was meaningful attorney involvement in the drafting of the letter, and (c) attempting to collect impermissible amounts not owed. (DE 1 ¶¶ 3, 35-58.) Defendants filed a combined answer, which includes an affirmative defense that “without admitting liability, . . . if Defendants’ conduct violated the law, such conduct was the result of an unintentional, *bona fide-error* that occurred despite the maintenance of procedures reasonable adapted to avoid such violations.” (DE 9 at 8 ¶ 5 (emphasis added).)

Currently before the Court is Plaintiff's motion to compel discovery, regarding which a response, reply, and statement of unresolved issues have been filed. (DEs 18, 24, 26, 27.) Judge Friedman referred this motion to me for hearing and determination, and a hearing was noticed for February 7, 2016. (DEs 19, 25.) On the date set for hearing, attorneys John Evanchek and Charity A. Olsen appeared. Although Plaintiff's December 12, 2016 motion originally sought relief as to (a) Interrogatories Nos. 3, 13 and 14, (b) a verification page for the Interrogatories, and (c) the Lexis records and Experian credit report they obtained that relates to Plaintiff (DE 18 at 3), Plaintiff's counsel clarified, consistent with the January 17, 2017 statement of unresolved issues (DE 27), that all issues other than those concerning Interrogatories 13 and 14 had been resolved.

Having considered the motion, the response, the reply, the statement of unresolved issues and oral argument, the motion is **DEEMED RESOLVED** as to Interrogatories 3, the verification page, and the Lexis records and Experian credit report. Moreover, the motion is **DEEMED RESOLVED** as to Interrogatories 13 and 14, pursuant to the stipulations placed on the record. Counsel are to submit a stipulated order memorializing these stipulations no later than February 14, 2017.

IT IS SO ORDERED.

Dated: February 7, 2017

s/Anthony P. Patti

Anthony P. Patti

U.S. MAGISTRATE JUDGE