

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>CAROL Y. JONES, an individual, and</b>	)	
<b>DALE L. JONES, an individual,</b>	)	
	)	
<b>PLAINTIFFS,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE No. 10-CV-409-CVE-FHM</b>
	)	
<b>MBF LEASING, LLC,</b>	)	
<b>NORTHERN LEASING SYSTEMS, INC.,</b>	)	
<b>LEASESOURCE, INC., and</b>	)	
<b>LEASESOURCE-LSI, LLC,</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**OPINION AND ORDER**

At the hearing held October 18, 2010, the Court took under advisement a portion of Plaintiff’s Motion to Compel [Dkt. 40] regarding pattern and practice evidence. This issue is related to Plaintiff’s Request for Production No. 21 and topics 2 and 23 of Plaintiff’s notice of 30(b)(6) deposition. As limited by Plaintiffs at the hearing, the request is for complaints by or to the F.T.C. or any State Attorney General or County Consumer Protection Unit where the allegation is that Defendants’ continued collection activity after the debtor claimed the account was “not my account.”

Plaintiffs contend the discovery is relevant to Defendants’ knowledge that their policies and procedures for verifying the identity of the party that owes an alleged debt, skip tracing, and collection were inadequate and not reasonable and could and would result in actions that were highly offensive to a reasonable person.

Defendants contend that the discovery is not relevant to Plaintiffs’ allegations seeking punitive damages and is not admissible under Fed.R.Evid. 404(b).

The Court finds that the discovery is relevant under Fed.R.Civ.P. 26(b). As limited by Plaintiffs, the discovery may be admissible directly against Defendants on the issue of the adequacy of their policies or as habit or routine under Fed.R.Evid. 406. See, *F & A APLC, et al. v. Core Funding Group, L.P.*, 2009 WL 2214184 (M.D. La.) July 23, 2009; see also, *Thornton v. State Farm Mutual Auto Ins. Co., Inc.*, 2006 WL 3499986 (N.D. Ohio) (unpublished). The discovery may also lead to the discovery of admissible evidence in the form of the identity of witnesses to the same or similar conduct by the Defendants.

Plaintiff's Motion to Compel [Dkt. 40] is GRANTED IN PART as set forth herein.

SO ORDERED this 19th day of October, 2010.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE