

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARK CAPOZIO, et al.</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiffs</i>	:	
	:	<b>NO. 16-5235</b>
<b>v.</b>	:	
	:	
<b>JP MORGAN CHASE BANK, NA</b>	:	
<i>Defendant</i>	:	

**ORDER**

**AND NOW**, this 7<sup>th</sup> day of November 2017, upon consideration of the *motion to dismiss Plaintiffs' amended class action complaint* filed by Defendant JP Morgan Chase Bank, NA (“Defendant”), [ECF 13], the response in opposition thereto filed by Plaintiffs Mark Capozio and Linda Capozio (“Plaintiffs”), [ECF 16], Defendant’s reply, [ECF 18], Plaintiffs’ supplemental memorandum, [ECF 20], Defendant’s supplemental memorandum, [ECF 21], Defendant’s response to Plaintiffs’ supplemental memorandum, [ECF 25], and the allegations contained in Plaintiffs’ amended complaint, [ECF 9], it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that the motion to dismiss is **GRANTED**, in part, and **DENIED**, in part, as follows:

- (1) Counts I, III and IV are dismissed in their entirety;
- (2) Count II is dismissed only to the extent it relies upon Defendant’s alleged status as a “debt collector” and/or a violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*; and
- (3) the motion is denied in all other respects.

**BY THE COURT:**

*/s/ Nitza I. Quiñones Alejandro*  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*