

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

MARIUSZ G. JARZYNA, : CIVIL ACTION
 : NO. 10-4191
Plaintiff, :
 :
v. :
 :
HOME PROPERTIES, L.P. et al., :
 :
Defendants. :

O R D E R

AND NOW, this **17th** day of **July, 2015**, for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment (ECF No. 225), Defendant Home's Motion for Summary Judgment (ECF No. 234), and Defendant Fair Collection & Outsourcing's ("FCO") Cross-Motion for Summary Judgment (ECF No. 233) are **GRANTED in part and DENIED in part**, as follows:

- (1) Plaintiff is entitled to judgment against Defendant Home, as to liability, on the following claims:
 - a. Count II (FCEUA), as to the thirty-day notice fee claim; and
 - b. Count III (UTPCPL), as to the thirty-day notice fee claim.
- (2) Plaintiff is entitled to judgment against Defendant FCO, as to liability, on the following claims:

- a. Count I (FDCPA), as to the claim for failure to identify as a debt collector when leaving voice messages on Plaintiff's cell phone, in violation of 15 U.S.C. §§ 1692e(11) and 1692d(6);
 - b. Count I (FDCPA), as to the claim for attempting to collect a debt that Plaintiff did not owe, in violation of §§ 1692f(1), 1692e(2), and 1692e(10);
 - c. Count II (FCEUA), to the extent Plaintiff is entitled to judgment against Defendant FCO on the FDCPA claims; and
 - d. Count III (UTPCPL), to the extent Plaintiff is entitled to judgment against Defendant FCO on the FDCPA claims.
- (3) Defendant Home is entitled to judgment against Plaintiff on the following claims:
- a. Count I (FDCPA), as to all claims;
 - b. Count II (FCEUA), as to all claims other than the thirty-day notice fee claim;
 - c. Count III (UTPCPL), as to all claims other than the thirty-day notice fee claim;
 - d. Count IV (Landlord and Tenant Act), as to all claims; and

- e. Count V (Civil Conspiracy), as to all claims.
- (4) Defendant FCO is entitled to judgment against Plaintiff on the following claims:
- a. Count I (FDCPA), as to the claim for lack of the required notice on the HD1A letter, in violation of § 1692g(a);
 - b. Count I (FDCPA), as to the claim for failure to properly verify the disputed debt, in violation § 1692g(b);
 - c. Count I (FDCPA), as to all other claims Plaintiff may have, with the exception of those on which Plaintiff is entitled to judgment, as stated above;
 - d. Count II (FCEUA), to the extent Defendant FCO is entitled to judgment against Plaintiff on the FDCPA claims;
 - e. Count III (UTPCPL), to the extent Defendant FCO is entitled to judgment against Plaintiff on the FDCPA claims; and
 - f. Count V (Civil Conspiracy), as to all claims.

It is **FURTHER ORDERED** that the deadline per the Fourth Scheduling Order (ECF No. 227) by which Defendants shall respond

to Plaintiff's Motion for Class Certification (ECF No. 222) is **CONTINUED** pending a status and scheduling conference which the Court will schedule separately.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.