

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MARY BARBATO,	:	
Plaintiff,	:	
v.	:	Civil Action No. 3:13-2748
GREYSTONE ALLIANCE, LLC, <i>et al.</i>,	:	(JUDGE MANNION)
Defendants	:	

ORDER

Based upon the memorandum issued this same day in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

- (1) defendant Crown's motion for reconsideration pursuant to Fed.R.Civ.P. 54(b), (Doc. [107](#)), is **DENIED**;
- (2) the plaintiff's motion to file her brief in opposition to Crown's motion for reconsideration without sealing, (Doc. [110](#)), as well as the plaintiff's motion to file her reply brief in support of her (Doc. [110](#)) motion without sealing, (Doc. [116](#)), are **DENIED**;
- (3) Crown's request under Fed.R.Civ.P. 12(f), (Doc. [114](#)), that the court strike any reference to the protected information from plaintiff's brief in opposition, (Doc. [110-2](#)), as well as the attached exhibit, (Doc. [110-3](#)), namely, Crown's Consolidated Financial Statement for years 2012-2014, and from plaintiff's reply brief, (Doc. [117-1](#)), is **GRANTED**;
- (4) the court's directive that the parties file renewed summary judgment motions is held in abeyance until the Third Circuit decides whether Crown can be considered a debt collector under

Henson;

- (5) the court will **STAY** the plaintiff's Doc. [64](#) motion to certify class until it decides the renewed dispositive motions; and
- (6) the court's instant Memorandum and Order are hereby **CERTIFIED** for interlocutory appeal pursuant to 28 U.S.C. §1292(b). The Order involves a controlling question of law on which there could be substantial grounds for difference of opinion based on the *Henson* case. Immediate appeal has the potential to materially advance the ultimate termination of the litigation. The following controlling question of law is hereby **CERTIFIED** to the United States Court of Appeals for the Third Circuit: whether *Henson* requires a finding that Crown is not a debt collector in this case when it was a third-party buyer of the debt, and the debt was in default at the time it purchased it.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: November 16, 2017

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