

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

MARY E. GLOVER,)
)
 individually and on behalf)
 of other similarly situated)
 former and current)
 homeowners in Pennsylvania,)
)
 Plaintiffs,)
)
 v.)
)
 MARK J. UDREN, UDREN LAW)
 OFFICES, P.C., WELLS FARGO)
 HOME MORTGAGE, GOLDMAN SACHS)
 MORTGAGE COMPANY)
)
 Defendants.)

CIVIL NO. 08-990

O R D E R

AND NOW, this 19th day of April, 2011, after the plaintiff filed an action in the above-captioned case, and after a motion to dismiss was submitted by defendants Mark Udren and Udren Law Offices, P.C., , and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties fourteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response to those objections filed by defendants, and upon independent review of the motion and the record, and upon consideration of the

Magistrate Judge's Report and Recommendation (Docket No. 205), which is adopted as amended below, as the opinion of this Court,

IT IS ORDERED that defendants' motion to dismiss (Docket No. 167) is GRANTED in part and DENIED in part.

In addition, plaintiff has correctly identified a factual error in the Report and Recommendation, therefore,

It Is FURTHER ORDERED that pages 12 and 13 of the Report and Recommendation be amended as follows:

- September 24, 2009 - FDIC denies Glover's administrative claim;
- October 14, 2009 - Glover files amended complaint including FDCPA allegation against Udren.

As this Court calculates, the two stays entered in this case, 90 days between October 24, 2008 and January 22, 2009, and the time between the this Court's March 20, 2009 Order granting the FDIC's motion for a stay and the September 24, 2009 FDIC denial of Glover's administrative claim, totaling 188 days, would extend the time for Glover to file the FDCPA claim for 278 days.¹ Therefore, the deadline for filing the FDCPA claim would be 278 days from January 4, 2009, when the statute of limitations would have normally expired, or October 9, 2009.

¹ While the stay of proceedings pending exhaustion of the administrative proceedings did not technically go into effect until the District Court's June 15, 2009 order denying Glover's objections, the duration of the stay will be calculated generously to Glover from this Court's March 20, 2009 Memorandum and Order.

The complaint was not filed until October 14, 2009; therefore the FDCPA claim is time-barred.

Monetta G. Andrade

United States District Judge