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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DAVID BONELLI,

9 Plaintiff,

10 v.

11 ASSET ACCEPTANCE, LLC,

12 Defendant.

C14-1795 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiff's request, *see* Reply (docket no. 21), to strike the Declaration of
16 James Oleksik, docket no. 20, and the portions of defendant's response, docket no. 18,
17 that reference efforts to schedule a settlement conference and/or pro bono mediation is
18 DENIED. Mr. Oleksik's declaration concerns information within defendant's business
19 records and sets forth facts that would be admissible in evidence, assuming the proper
20 foundation was laid at trial. Defendant's references to the parties' attempts to settle this
21 matter do not disclose evidence barred by Federal Rule of Evidence 408, but rather aim to
22 explain why discovery has been delayed and why defendant seeks to have plaintiff's
23 motion for summary judgment denied or deferred pursuant to Federal Rule of Civil
Procedure 56(d).

(2) Plaintiff's motion for summary judgment, docket no. 11, is DENIED. Genuine disputes of material fact exist regarding whether plaintiff has an outstanding debt "charged off" by Washington Mutual Bank in 2010 (after its assets and liabilities were acquired by JPMorgan Chase Bank) and sold to other entities, whether defendant now owns the debt, and whether defendant violated any provision of federal or state law in attempting to collect on the debt. The Consent Order submitted by plaintiff as supplemental authority, docket no. 31, does not establish any wrongdoing on the part of

1 defendant Asset Acceptance, LLC, which might qualify as a “Debt Buyer” under the
2 Consent Order; rather, the Consent Order recites findings and orders relating to the unfair
3 and fraudulent practices of “Respondents” Chase Bank USA, N.A. and Chase BankCard
4 Services, Inc. (“Chase”) in connection with credit card debts. The Court makes no ruling
5 concerning the effect of the Consent Order on the validity of the underlying debt that was
6 purchased by defendant.

7 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
8 record.

9 Dated this 21st day of August, 2015.

10 William M. McCool
11 Clerk

12 s/Karen Dews
13 Deputy Clerk