

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

BOBBI J. RIDDLE, on behalf of herself and
others similarly situated,

Plaintiff,

v.

CIVIL ACTION NO. 3:19-0249

ATKINS & OGLE LAW OFFICES, LC,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Motion to Dismiss. ECF No. 6. Defendant failed to comply with Local Rule of Civil Procedure 7.1(a)(2) and file a memorandum in support of its motion. In lieu of a memorandum, Defendant relies upon a non-binding case and three-sentence analysis directly into its motion. *Id.* The lone-cited case, *Reynold v. Caine & Weinder Co., Inc.*, acknowledges that a demand for payment can obscure a right to dispute a debt, but it did not in that case because there was no demand for immediate payment nor a threat of adverse action. No. 17-7590, 2018 WL 5928123, at *5 (E.D.N.Y. Nov. 13, 2018). To the contrary, the Complaint alleges in this case that the letter sent by Defendant includes language that both requests payment within thirty days and notifies the recipient of potential legal action. ECF No. 1, at 5. The Court finds *Reynold* inapplicable and unpersuasive. Taken in the light most favorable to the non-moving party, Plaintiff has sufficiently alleged potential violations of the provisions of §§ 1692g(b) & 1692(e) of the Fair Debt Collection Practices Act. Accordingly, the Court **DENIES** the Motion to Dismiss.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: July 30, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE