

APR 14 1995

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

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STEVEN SCHMIDT,  
Plaintiff

vs.

JOHN DOE, a/k/a E.T. HOWELL  
and CREDIT BUREAU OF ATHENS,  
INC.,

Defendants

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DOCKET NO: 95-6-ATH(DF)

~~DEFENDANT CREDIT BUREAU OF ATHENS, INC.'S MOTION TO STAY FILING  
ITS RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT UNTIL  
AFTER CONCLUSION OF DISCOVERY~~

COMES NOW Defendant CREDIT BUREAU OF ATHENS, INC., and files  
its Motion for Stay as follows:

I.

Proceedinas

On or about January 11, 1995, Plaintiff filed his Complaint  
in this Court alleging certain violations of the Fair Debt  
Collection Practices Act, as codified under 15 U.S.C. §1692 et  
seq.

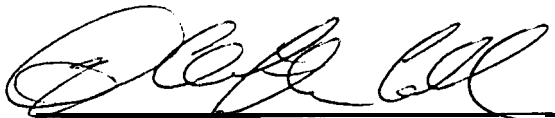
As allowed under FRCP 12(e) and 12(f), Defendant Credit  
Bureau of Athens, Inc. filed a Motion for a More Definite  
Statement and to Strike which was docketed by this Court on  
February 23, 1995. By order of April 3, 1995, this Court denied  
Defendant's Motion, and stated that responding in accordance with

Rule 8(b) will not prejudice Defendant in the event it makes a Motion for Summary Judgment. Defendant contended that one particular statement, in Plaintiff's Complaint was not sufficiently pled to put Defendant on notice as to certain claims being made by Plaintiff. Pursuant to FRCP 12, Defendant had ten days from the Court's Order denying Defendant's Motion in which to file an Answer to Plaintiff's Complaint. As Defendant's counsel has been on vacation for the time of March 31, 1995 through April 10, 1995, and has just returned to learn of the recent developments, in this case, Defendant has just sent an Answer, to be filed, to Plaintiff's Complaint.

Defendant Credit Bureau of Athens, Inc. believes that this case will be assigned a four month discovery track in which Defendant can learn the basis for Plaintiff's Complaint, and also require Plaintiff to submit to a deposition and answer certain discovery requests through Interrogatories and Request for Production of Documents. Further, there has been no discovery order entered in this case; therefore, Plaintiff's Motion for Summary Judgment is premature.

WHEREFORE, Defendant Credit Bureau of Athens, Inc. prays that this Court grant its Motion to Stay in filing a response to Plaintiff's Motion for Summary Judgment until after the allowable discovery period in this case, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. Clifton Cobb', written over a horizontal line.

H. CLIFTON COBB  
Attorney for Defendant  
State Bar No. 171150

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