IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CONSUMER FINANCIAL PROTECTION BUREAU,	)	
Plaintiff,	)	
v.	)	Case No. 1:14-cv-2211-AT
FREDERICK J. HANNA & ASSOCIATES, P.C., et al	)	
Defendants.	)	

DEFENDANTS' MOTION TO STAY DEADLINES

Defendants Frederick J. Hanna & Associates, P.C., Frederick J. Hanna, Joseph C. Cooling, and Robert A. Winter (collectively, "Defendants") hereby move the Court for an extension of time to conduct a Rule 26(f) Conference, complete Initial Disclosures, and complete a Joint Preliminary Report and Discovery Plan.

On September 12, 2014, Defendant filed a Motion to Dismiss the Complaint ("Motion to Dismiss"). The response to the Motion to Dismiss currently is due on September 26, 2014. During the pendency of the Motion to Dismiss, the Parties will not yet be in a position to determine the scope of disclosures and discovery

necessary to complete the initial filings. This is because the scope of the case could be significantly impacted by the Court's ruling on the Motion. For example, the Motion points out that although the Complaint seeks to pursue claims dating back to 2009, the relevant statute of limitations under the Fair Debt Collection Practices Act is only one year, and the Consumer Financial Protection Bureau cannot pursue claims under the Consumer Financial Protection Act ("CFPA") prior to that statute's effective date in 2011. Further, the claims under the CFPA are barred by the plain language of the "Practice of Law" exception to the CFPA contained in section 1027(e) of that statute. The scope of necessary discovery in this case could therefore be substantially affected by the Court's decision on the Motion.

Further, the CFPB will not be prejudiced by a stay of these deadlines. Pursuant to Local Rule 26.2, the discovery period does not begin until a Defendant files an answer. If the Court denies the Motion to Dismiss in part or whole, the Defendants will then file an answer, and the parties can complete a Rule 26(f) conference and make their initial disclosures based on the scope of the case as it may have been impacted by the Court's ruling on the Motion to Dismiss. It would be premature and unnecessary for the parties to conduct a Rule 26(f) conference and submit a discovery plan to the Court, when that plan will not be executed until

after the Court decides the Motion to Dismiss, and when discovery will not begin until that decision is released by the Court. Further, the CFPB had an ample opportunity to conduct discovery before filing this action, through the issuance of several Civil Investigative Demands and informal requests for information to Defendants, which Defendants fully responded to.

Accordingly, in light of the current posture of this matter, Defendants respectfully request this Court grant this motion for an extension of time to conduct the Rule 26(f) Conference, complete Initial Disclosures, and complete a Joint Preliminary Report and Discovery Plan through and including the twenty-first day following the Court's ruling on Defendants' Motion to Dismiss.

A proposed Order is attached hereto as "**Exhibit A"**.

Respectfully submitted this 12th day of September, 2014.

/s/ Christopher J. Willis
Christopher J. Willis, Ga. Bar No. 766297
willisc@ballardspahr.com
Stefanie H. Jackman, Ga. Bar No. 335652
jackmans@ballardspahr.com
BALLARD SPAHR LLP
999 Peachtree Street, Suite 1000
Atlanta, GA 30309-5915
Telephone (404) 678-9300
Facsimile: (404) 678-9301

Michael Bowers, Ga. Bar No. 071650
mbowers@balch.com
Christopher S. Anulewicz, Ga. Bar No. 020914

canulewicz@balch.com
BALCH & BINGHAM LLP
30 Ivan Allen Jr. Blvd., NW, Suite 700
Atlanta, Georgia 30308

Counsel for Defendants

CERTIFICATION OF COMPLIANCE WITH L.R. 5.1B

I hereby certify that the foregoing has been computer processed with 14 point New Times Roman font in compliance with the United States District Court for the Northern District of Georgia Local Rule 5.1B.

Dated: September 12, 2014

/s/ Christopher J. Willis
Christopher J. Willis
Ga. Bar No. 766297

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day, I filed the foregoing MOTION TO STAY DEADLINES with the Clerk of Court using the CM/ECF system which will automatically serve the following parties:

Lawrence Brown (Lawrence.Brown@cfpb.gov)
Thomas Ward (Thomas.Ward@cfpb.gov)
Consumer Financial Protection Bureau
ATTN: Enforcement
1750 Pennsylvania Ave., 10th Floor
Washington, D.C. 20552

Date: September 12, 2014

/s/ Christopher J. Willis
Christopher J. Willis
Georgia Bar No. 766297

Counsel for Defendant