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14 *and the Certified Class*

15 **UNITED STATES DISTRICT COURT**  
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 DAVID TOURGEMAN on behalf of  
18 himself and all others similarly  
19 situated,

20 Plaintiff,

21 v.

22 COLLINS FINANCIAL SERVICES,  
23 INC., (d/b/a Precision Recovery  
24 Analytics, Inc.) a Texas corporation;  
25 COLLINS FINANCIAL SERVICES  
26 USA, INC. (d/b/a Precision Recovery  
27 Analytic International, Inc.);  
28 PARAGON WAY, INC., a Texas  
corporation; NELSON &  
KENNARD, a California  
partnership, DELL FINANCIAL  
SERVICES, L.P., a Delaware limited  
partnership,

Defendants.

Case No.: 08-CV-1392 CAB (NLS)

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S REQUEST FOR  
STATUS CONFERENCE**

Trial Date: July 18, 2016

1 Suffice to say, Tourgeman disagrees with Nelson & Kennard’s contention  
 2 that *Spokeo, Inc. v. Robins*, 578 U.S. \_\_\_, 2016 WL 2842447 (May 16, 2016),  
 3 changes the Court’s previous conclusion that Tourgeman has Article III standing  
 4 in this case. Indeed, the Supreme Court sent *Spokeo* back to the Ninth Circuit to  
 5 conduct the type of analysis the Ninth Circuit has already performed in this case.  
 6 *Compare Spokeo*, p. 11 (“It [the Ninth Circuit] did not address the question  
 7 framed by our discussion, namely, whether the particular procedural violations  
 8 alleged in this case entail a degree of risk sufficient to meet the concreteness  
 9 requirement.) *with Tourgeman v. Collins Fin. Servs.*, 755 F.3d 1109, 1121 (9th  
 10 Cir. 2014), (“We are persuaded that, in the context of a debt collection, the  
 11 identity of a consumer’s original creditor is a critical piece of information, and  
 12 therefore its false identification . . . would be likely to mislead some consumers  
 13 in a material way.”). Nevertheless, Tourgeman agrees it would be a good idea  
 14 for the Court to hold a status conference to discuss *Spokeo*’s impact, if any, on  
 15 the trial in this case. Tourgeman likewise requests that the Court allow the  
 16 parties to fully brief (in five pages or less) the issue before the conference.

17 Respectfully Submitted,

18 Dated: May 18, 2016

JOHNSON & WEAVER, LLP

19 By: /s/ Brett M. Weaver

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**PROOF OF SERVICE**

I am employed in the County of San Diego. I am over the age of eighteen years and am not a party to the within entitled action. My business address is 600 West Broadway, Suite 1540, San Diego, CA 92101.

On May 18, 2016, I served a copy of the following document:

- 1) **PLAINTIFF’S RESPONSE TO DEFENDANT’S REQUEST FOR STATUS CONFERENCE**

[BY ELECTRONIC ACCESS] I hereby certify that the foregoing documents were filed electronically with the Clerk of Court to be served by operation of the Court’s electronic filing system upon all parties on the electronic service list maintained for this case.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on May 18, 2016, at San Diego, California.

Bv: s/ Brett M. Weaver  
BRETT M. WEAVER