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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL P. KOBY, an individual;  
MICHAEL SIMMONS, an individual;  
JONATHAN W. SUPLER, an  
individual; on behalf of themselves  
and all others similarly situated,

Plaintiffs,

vs.

ARS NATIONAL SERVICES, INC.,  
a California Corporation; and JOHN  
AND JANE DOES 1 through 25  
inclusive,

Defendant.

CASE NO. 09 CV 0780 JAH JMA

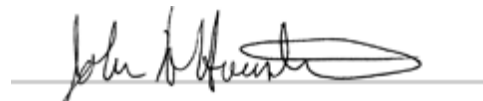
**ORDER GRANTING PERMISSION  
TO APPEAL PURSUANT TO 28  
U.S.C. § 1292(b)**

1 The Court, having considered the Joint Motion filed by the parties seeking an  
2 Order amending this Court's Order dated March 29, 2010, Granting In Part and  
3 Denying In Part Defendant's Motion For Judgment On The Pleadings (Docket 19),  
4 and certifying the Order for interlocutory appeal, pursuant to 28 U.S.C. § 1292(b) and  
5 Rule 5(a)(3) of the Federal Rules of Appellate Procedure, and good cause appearing,

6 IT IS HEREBY ORDERED AS FOLLOWS:

- 7 1. The joint motion is GRANTED. The Court finds that its Order (Docket  
8 19) involves controlling questions of law as to which there is substantial  
9 ground for difference of opinion, and that an immediate appeal from the  
10 Order may materially advance the ultimate termination of the litigation.
- 11 2. The Order (Docket 19) is hereby amended to certify the following  
12 questions for appeal to the Ninth Circuit Court of Appeals consistent  
13 with 28 U.S.C. § 1292(b): "Do each of the voice mail messages as  
14 alleged in the complaint in this action constitute a 'communication'  
15 within the meaning of section 1692a(2) of the Fair Debt Collection  
16 Practices Act, 15 U.S.C. § 1692, *et. seq.*, (the "FDCPA"), 15 U.S.C. §  
17 1692, *et seq.*;" and, "Do the voice mail messages as alleged in the  
18 complaint violate section 1692e(11) and/or section 1692d(6) of the  
19 FDCPA?"

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22 DATED: July 26, 2010

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24 JOHN A. HOUSTON  
25 United States District Judge  
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