

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN BAKER,
Plaintiff,

v.

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER; and DOES 1 to 10, inclusive,
Defendant.

C.A. No. 1:21-cv-11639

**DEFENDANT’S NOTICE OF WITHDRAWAL OF MOTION FOR LEAVE TO FILE
REPLY TO PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

Based on Plaintiff John Baker’s (“Baker”) February 1, 2022 filing of his Amended Opposition to Nationstar Mortgage LLC d/b/a Mr. Cooper’s Motion to Dismiss (“Amended Opposition”) [ECF No. 15], Defendant Nationstar Mortgage LLC d/b/a Mr. Cooper (“Mr. Cooper”) hereby withdraws its January 25, 2022, Motion for Leave to File Reply to Plaintiff’s Opposition to Defendant’s Motion to Dismiss (“Motion for Leave”) [ECF No. 13].

In the Amended Opposition, Baker voluntarily dismisses the portion of his FDCPA claim (Count I) that is based on the February 2020 Letter. *See* Amended Opposition, at * 6. This dismissal, as Baker himself concedes, is based on the binding decision from the United States Supreme Court in *Rotkiske v. Klemm*, 140 S. Ct. 355, 361 (2019) wherein the majority held, *inter alia*, that the discovery rule does not apply to the FDCPA’s one (1) year statute of limitations. As a result of Baker’s voluntary dismissal, a reply brief from Mr. Cooper is no longer necessary.

[Remainder of Page Intentionally Left Blank]

Respectfully submitted,

DEFENDANT,
NATIONSTAR MORTGAGE LLC d/b/a Mr.
Cooper,
By its attorney,

/s/ David W. Merritt

David W. Merritt, Esq. (BBO No. 672400)
BERNKOPF GOODMAN LLP
Two Seaport Lane, 9th Floor
Boston, MA 02210
Tel: (617) 790-3000
Fax: (617) 790-3300
dmerritt@bg-llp.com

Dated: March 8, 2022

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) or sent by first-class mail to any persons indicated as non-registered participants on this date.

Signed under the pains and penalties of perjury this 8th day of March, 2022.

/s/ David W. Merritt