

Case No. 19-2043

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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Susan Allan; Jessica A. Wilson,

Plaintiffs-Appellees,

v.

Pennsylvania Higher Education Assistance Agency,  
dba American Education Services

Defendant-Appellant.

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On Appeal From The  
United States District Court for the Western District of Michigan

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**DEFENDANT-APPELLANT'S RESPONSE TO PLAINTIFFS-APPELLEES'  
MOTION TO HOLD CASE IN ABEYANCE**

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Appellant Pennsylvania Higher Education Assistance Agency objects to the motion of Appellees Susan Allan and Jessica Wilson seeking a stay or an abeyance of this case at this late date. The appeal is fully briefed and argued. Without doubt, the U.S. Supreme Court granted *certiorari* in *Facebook, Inc. v. Duguid et al.*, Case No. 19-825 because of the split of authority among the Circuit Courts. This Court's opinion will further the analysis of the issue regardless of the outcome. Further, for the next year the courts in this Circuit can benefit from direction on the meaning of what is an automatic telephone dialing system for purposes of the Telephone Consumer Protection Act, 47 U.S.C. § 227(a)(1), in pending and future cases.

Accordingly, Appellant requests that the Court deny Appellees' motion.

Respectfully submitted,

BODMAN PLC

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July 24, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2020, I electronically filed the foregoing document through the court's electronic filing system, and that it has been served on all counsel of record through the court's electronic filing system.

By: /s/ Sandra Jasinski (P37430)