

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDY MOLINA,

Plaintiff,

No. CIV S-08-2975 GEB GGH

vs.

CREDITORS SPECIALTY  
SERVICE, INC.,

Defendant.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

Plaintiff’s motion for entry of default judgment against defendant Creditors Specialty Service, Inc. (“defendant”), and plaintiff’s motion for attorneys’ fees and costs, filed September 15, 2009, were submitted on the record. Local Rule 230(h). On finding the requested amount of actual damages to be unreasonable, the undersigned directed plaintiff by order of January 21, 2010, to either set the matter for hearing on the amount of damages, or file a statement that \$25,000 in actual damages would be sufficient. Plaintiff has now filed a statement indicating that \$25,000 is sufficient.

Accordingly, in light of the findings made in the order issued January 21, 2010, IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s motion for entry of default judgment (dkt. #17) be GRANTED in

1 part. Judgment should be rendered in the amount of \$27,000 (includes statutory damages).

2 2. Plaintiff's motion for attorneys' fees be GRANTED in the amount of  
3 \$5,815.50.

4 These findings and recommendations are submitted to the United States District  
5 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
6 fourteen (14) days after being served with these findings and recommendations, any party may  
7 file written objections with the court and serve a copy on all parties. Such a document should be  
8 captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the  
9 objections shall be served and filed within seven (7) days after service of the objections. The  
10 parties are advised that failure to file objections within the specified time may waive the right to  
11 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12  
13 DATED: 02/02/2010

/s/ Gregory G. Hollows

14 UNITED STATES MAGISTRATE JUDGE

15 GGH:076/Molina2975.fr  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26