

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

STATE OF ARKANSAS *ex rel.*  
DUSTIN McDANIEL, Attorney General

PLAINTIFF

v.

Case No. 4:09CV00355 JLH

RALPH MANCUSO

DEFENDANT

**ORDER**

The State of Arkansas, *ex rel.* Dustin McDaniel, Attorney General, has filed a motion for default judgment against defendant Ralph Mancuso. Mancuso was served by warning order but did not respond to the complaint as required by the Federal Rules of Civil Procedure. The Clerk's default has been entered.

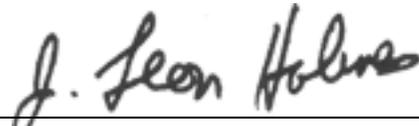
Pursuant to 47 U.S.C. § 227(f)(1), Ark. Code Ann. § 4-99-101 *et seq.*, and Ark. Code Ann. § 4-88-101 *et seq.*, the State of Arkansas is entitled to recover actual damages or statutory damages in the amount of \$500 for each violation of the Telephone Consumer Protection Act. The affidavit of Stephen B. DiGiovanna, investigator, establishes that there were 67 violations of the statute. Therefore, the State of Arkansas is entitled to recover statutory damages in the amount of \$33,500.00.

In addition to the statutory damages, the State of Arkansas is entitled to an order permanently enjoining Ralph Mancuso from further violations of the Telemarketing and Consumer Fraud and Abuse Protection Act, 15 U.S.C. §§ 6101, *et seq.*, the Telemarketing Sales Rule, 16 C.F.R. Part 310, the Telephone Consumer Protection Act, 47 U.S.C. § 227, 47 C.F.R. § 64.1200, the Arkansas Consumer Telephone Privacy Act, Ark. Code Ann. § 4-99-401, *et seq.*, the Caller Identification

Blocking by Telephonic Sellers Act, Ark. Code Ann. § 4-99-301, *et seq.*, the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101, *et seq.*, and Ark. Code Ann. § 5-63-204.

A judgment will be entered separately.

IT IS SO ORDERED this 5th day of November, 2010.

A handwritten signature in cursive script that reads "J. Leon Holmes". The signature is written in black ink and is positioned above a horizontal line.

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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE