

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 13-cv-02536-RBJ-BNB

WANDA KADLEC,

Plaintiff,

v.

JAMES J. STANDLEY,

Defendant.

ORDER GRANTING PLAINTIFF'S AMENDED MOTION FOR DEFAULT JUDGMENT

This cause coming to be heard on Plaintiff's Motion for Default Judgment, upon a review of the record this Court finds that:

1. Plaintiff, a resident of the City of Telluride, State of Colorado, filed this action on September 17, 2013.
2. Defendant was properly served with the Summons and Complaint through a process server on September 24, 2013.
3. Defendant has not filed a Notice of Appearance, an Answer, nor any other responsive pleading with this Court.
4. Plaintiff properly filed this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter the "FDCPA"). Plaintiff's Complaint alleges violations of the FDCPA by Defendant in attempting to collect an alleged debt from Plaintiff.

5. On October 28, 2013, Plaintiff filed an Application for Entry of Default.
6. On November 7, 2013, the Clerk of Court found that Defendant failed to file an answer or otherwise sufficiently plead to the Summons and Complaint filed by Federal Rules of Civil Procedure.
7. Pursuant to Federal Rule of Civil Procedure 55(a), an Entry of Default was entered against Defendant on November 7, 2013 by this Court.
8. The Court has reviewed the Complaint, the Declaration of Plaintiff's counsel and Plaintiff's exhibit of attorney time entries for this matter.
9. The Court finds that Defendant violated the FDCPA as follows:
 - a. Communicating with a person other than Plaintiff and stating to such person that Plaintiff owes an alleged debt, in violation of U.S.C. § 1692b(2);
 - b. Communicating with Plaintiff at her place of employment where Defendant knew or had reason to know that her employer prohibited her from receiving such communications, in violation of U.S.C. § 1692c(a)(3); and
 - c. Failing to provide the notice to Plaintiff which is required by 15 U.S.C. § 1692g.
10. Pursuant to 15 U.S.C. § 1692k(a) the Court finds that good cause is shown for each of the violations of the FDCA by the Defendant and awards statutory damages to Plaintiff in the amount of \$1,000.

11. Pursuant to 15 U.S.C. § 1692k(a)(3), under the FDCPA, a plaintiff can recover from a debt collector “in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney’s fee as determined by the court...”

12. The Court has reviewed Plaintiff’s attachments to her Motion for Default Judgment, reflecting the amount of attorneys’ fees and court costs incurred by Plaintiff in the prosecution of this action, and copies of the time entries reflecting the work for which Plaintiff is seeking compensation for her attorneys’ fees. The Court finds that good cause is shown for the award of reasonable attorney fees and court costs.

Wherefore, the Court awards a judgment in favor of the Plaintiff, Wanda Kadlec, and against Defendant, James J. Standley, as follows:

a. FDCPA Statutory Damages \$1,000.00

b. Attorneys’ Fees \$2,450.00

c. Court Costs \$ 460.00

TOTAL \$3,910.00

DATED this 9th day of January, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke Jackson", with a long, sweeping horizontal stroke extending to the right.

R. Brooke Jackson
United States District Judge