

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-2584-WYD-KMT

MARISOL SILVA,

Plaintiff,

v.

COAST TO COAST FINANCIAL SOLUTIONS, INC.,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Statutory Damages, Attorney's Fees and Costs (ECF No. 27), filed on November 20, 2015. On September 17, 2014, Plaintiff commenced this action to enforce the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"). After the Defendant filed an Answer on October 15, 2014, Defendant's counsel subsequently withdrew according to Defendant's instruction. Magistrate Judge Kathleen M. Tafoya issued an order to show cause on June 26, 2015, instructing Defendant to demonstrate why default judgment should not be entered against it in this case. Defendant did not respond. Magistrate Judge Tafoya then issued a recommendation of default judgment, which was affirmed and adopted by this Court on October 21, 2015, with instructions to the Plaintiff to submit an accounting of attorney's fees, costs, and recoverable damages under 15 U.S.C. § 1692k(a). Plaintiff then submitted the current motion.

The FDCPA prescribes that a successful party is entitled to "the costs of the action, together with a reasonable attorney's fee as determined by the court." 15 U.S.C.

§ 1692k(a)(3). I find that Plaintiff is entitled to recover her reasonable attorney's fees and costs because default judgment has been entered against Defendant and I have determined that Plaintiff has sufficiently alleged a violation of the FDCPA. Plaintiff requests attorney's fees, using the lodestar approach, in the amount of \$3,810.00, which is \$300 per hour for 12.7 hours expended by her counsel in this matter.¹ The rate of \$300 per hour has been found by other judges in this district to be reasonable. See *Sandoval v. Stellar Recovery, Inc.*, 2016 WL 74941 (Jan. 7, 2016) (Judge Kane noting that Judge Martinez in July of 2013, and Judge Babcock in November of 2015, have both determined that an increase from \$250 per hour to \$300 per hour is justified in FDCPA cases). I agree that a rate of \$300 per hour is reasonable here. Additionally, I find that counsel's time of 12.7 hours spent on this matter is reasonable. I have examined the records submitted by counsel and I do not consider the time billed wasteful or inefficient. Accordingly, attorney's fees in this matter shall be awarded in the amount requested: 12.7 hours at \$300.00 per hour, for a total of \$3,810.00.

Plaintiff requests that her costs of \$470.00 be added to the judgment. I find that these costs are reasonable and should be awarded pursuant to 15 U.S.C. § 1692k(a)(3).

As to damages, Plaintiff seeks statutory damages for violations of the FDCPA. The amount of damages is awarded based on the frequency and persistence of noncompliance by the debt collector, the nature of such noncompliance, and the extent to

¹ Plaintiff noted in her Motion that her counsel would expect to spend an additional three hours, billing an additional \$900.00, if Defendant responded to this Motion and a reply was necessary. However, Defendant did not respond to this Motion, so the additional three hours will not be added to the requested total.

which the noncompliance was intentional. 15 U.S.C. §1692k(b)(1). The maximum amount of damages is \$1,000.00. *Id.* “All that is required for an award of statutory damages is proof that the statute was violated, although a court must then exercise its discretion to determine how much to award, up to the \$1,000.00 ceiling.” *Villanueva v. Account Discovery Sys., LLC*, 2015 WL 148965, at *11 (D. Colo. Jan. 12, 2015).

Exercising my discretion, I find that the maximum amount of \$1,000.00 in statutory damages should be awarded under the FDCPA based on the allegations of the Complaint and the entry of default judgment against the Defendant in this case.

Based on the foregoing, it is

ORDERED that Plaintiff’s Motion for Statutory Damages, Attorney’s Fees and Costs (ECF No. 27), is **GRANTED**. The following shall be awarded to Plaintiff: **\$1,000.00** in statutory damages under 15 U.S.C. §1692k(b)(1); **\$470.00** in costs; and **\$3,810.00** in attorney’s fees. The total award to Plaintiff shall be **\$5,280.00**.

Dated: March 30, 2016.

BY THE COURT:

s/ Wiley Y. Daniel
WILEY Y. DANIEL,
SENIOR UNITED STATES DISTRICT JUDGE