

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MEMORANDUM

I. INTRODUCTION

The plaintiff Sharon Harris (“Harris”) filed this lawsuit pursuant to the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681 *et seq.*, alleging impermissible use of her credit report. The defendant Coral Gables Hospital (“the defendant”) was served with summons and complaint on November 30, 2015. (D.I. 3.) A clerk’s entry of default was entered on June 15, 2016, after the defendant did not answer or otherwise appear. (D.I. 8.) On October 19, 2016, Harris filed a motion for default judgment for a sum certain in the amount of \$2,000.00 (D.I. 10), and the matter was set for hearing on December 14, 2016 (D.I. 11). On November 9, 2016, the court mailed to the defendant a copy of the order setting the matter for hearing at the address where the defendant was served, 3100 Douglas Road, Coral Gables, Florida 33134. The order was not returned as undeliverable. The defendant did not appear at the hearing.

II. DISCUSSION

The FCRA provides a cause of action for a consumer to recover statutory damages, as follows: “Any person who willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum

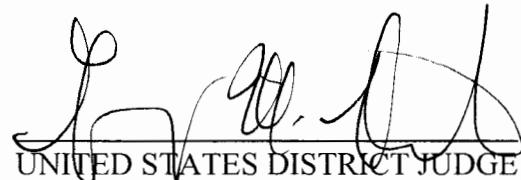
of any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000.” 15 U.S.C. § 1681n(a); *see In re Michaels Stores, Inc.*, 2016 WL 947150, at *4 (D.N.J. Mar. 14, 2016). With respect to an award of damages, Harris seeks \$2,000 in statutory damages.

During the December 14, 2016 hearing, Harris testified that she paid cash to the defendant for a scheduled surgery (that was subsequently canceled because of medical issues)¹ and, despite the cash payment, the defendants conducted an unnecessary credit score inquiry that caused her credit score to drop. She further testified that, as a result of the decreased credit score, she was denied credit on at least two occasions because of the amount of inquiries on her credit score.

In light of the evidence that the defendant made an unnecessary inquiry of Harris’ credit report, that Harris sustained damages on at least two separate occasions, and the defendant’s failure to appear, the court will award Harris \$2,000 in statutory damages.

III. CONCLUSION

For the above reasons, Harris’ motion for default judgment will be granted. Judgment will be entered against the defendant in the amount of \$2,000. An appropriate order will be entered.



UNITED STATES DISTRICT JUDGE

Jan 6, 2017
Wilmington, Delaware

¹The defendant refunded Harris’ payment on October 29, 2015.