UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOCELYN Y. DIAZ,

        Plaintiff,

v.   **Case No: 6:14-cv-1338-Orl-31TBS**

THE FIRST MARBLEHEAD
CORPORATION, NATIONAL
COLLEGIATE TRUST and
PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE AGENCY,
INC.,

        Defendants.

ORDER

This matter is before the Court on Defendant Pennsylvania Higher Education Assistance Agency, Inc., d/b/a American Education Services' ("AES") Motion for Attorneys' Fees. (Doc. 17). On November 3, 2014, Magistrate Judge Smith issued a Report and Recommendation finding that that Plaintiff Jocelyn Diaz's ("Plaintiff") claim against AES was filed in bad faith and for purposes of harassment, and recommending that this Court impose sanctions. (Doc. 19). Plaintiff filed an objection to the Report and Recommendation on November 17, 2014 (Doc. 20).

Upon de novo review, the Court concludes that Magistrate Judge Smith's analysis of the law is correct. The Court finds that Plaintiff's claim was brought in bad faith and for the purpose of harassment. Consequently, the Court will assess reasonable attorneys' fees and cost against Plaintiff pursuant to 15 U.S.C. § 1692(a)(3). Accordingly, it is

        ORDERED that

1.   Plaintiff's objection to the Report and Recommendation (Doc. 20) is

     OVERRULED and the Report is **AFFRIMED** and **ADOPTED** as part of this

     Order.

2.   Defendant Pennsylvania Higher Education Assistance Agency, Inc., d/b/a

     American Education Services Motion for Attorney's Fees (Doc. 17) is

     GRANTED.

3.   The Clerk is directed to enter judgment for Defendant Pennsylvania Higher

     Education Assistance Agency, Inc., d/b/a American Education Services and against

     the Plaintiff, in the amount of $5,068.00.

4.   Attorney N. James Turner shall **show cause** as to why sanctions should not be

     imposed against him pursuant to Fed.R.Civ.P. 11 within **15 days** from the entry of

     this Order.

 DONE and **ORDERED** in Orlando, Florida on December 18, 2014.

GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties