

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

AMBER BEN-DAVIES

v.

BLIBAUM & ASSOCIATES, P.A.

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Civil No. – JFM-16-2783

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BALTIMORE  
2016 OCT 11 PM 3:54  
CLERK OF COURT  
JAN BALDWIN  
DEPUTY

**MEMORANDUM**

Plaintiff has instituted this action under the Fair Debt Collection Practices Act, claiming that she experienced “emotional distress, stress, anger and frustration” as the result of a claim asserted by defendant, on behalf of its client Hendersen-Webb, Inc., for \$5,911.32. Defendant has filed a motion to dismiss. The motion will be granted.

Hendersen-Webb sued plaintiff for damages arising from a contract on May 7, 2007. Plaintiff failed to satisfy the judgment against her. On July 19, 2016, defendant sent a letter to plaintiff stating that she owed \$5,911.32. This was based upon a post-judgment interest rate of 10%. Plaintiff alleges that the correct amount of money owed by her to Hendersen-Webb was \$4,918.92, based upon a 6% interest rate.

Defendant offered to settle the judgment owed by plaintiff to Henderson-Webb for \$3,500.00. Plaintiff never made any payment on the debt.

Defendant has filed a motion to dismiss for lack of subject matter jurisdiction, contending that plaintiff has not established her standing. Defendant relies upon *Spokeo, Inc. v. Robbins*, 136 S. Ct. 1540 (2016).

Defendant’s contention is correct. Plaintiff’s conclusory allegation that she has suffered harm is not supported by her allegation that defendant applied the incorrect rate of interest,

particularly in light of the fact that she never paid a cent on the debt and that defendant offered to settle Hendersen-Webb's claim for less than plaintiff alleges was due.

Plaintiff has also asserted a claim under the Maryland Consumer Debt Collection Act. There is, however, no diversity of citizenship between the parties and her state law claim must therefore be dismissed as well.

A separate order of dismissal is being entered herewith.

Date: *October 11, 2016*

*J. Frederick Motz*  
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J. Frederick Motz  
United States District Judge