

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:15-CV-200

JUDY THOMAS,

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

The United States of America commenced this action asserting that Defendant JUDY THOMAS failed to repay the U.S. Department of Education amounts owed on a student loan. See Compl. dkt. #1. Defendant was served with the Summons and Complaint, see Aff. Ser., dkt. # 4, but has failed to appear in this action and her time to do so has expired. The Clerk entered default on April 03, 2015. Dkt. # 7.

The United States moves for a default judgment, attesting that Defendant executed a promissory note to secure a loan from the Department of Education and has failed to repay the loan in full.¹ These allegations, which are deemed admitted by Defendant's failure to respond to the motion, see Cotton v. Slone, 4 F.3d 176, 181 (2d Cir. 1993);

¹The affidavit also attests that, upon information and belief, the Defendant is neither an infant nor an incompetent person requiring special service in accordance with Rule 4(g), Federal Rules of Civil Procedure, and is not serving with the armed forces of the United States entitled to the protection of 50 U.S.C. App. Section 520.

Greyhound Exhibitgroup., Inc., v. E.L.U.L. Realty Group Corp., 973 F.2d 155, 158 (2d Cir. 1992), are sufficient to establish Defendant's liability. "While a default judgment constitutes an admission of liability, the quantum of damages remains to be established by proof unless the amount is liquidated or susceptible of mathematical computation." Flaks v. Koegel, 504 F.2d 702, 707 (2d Cir. 1974). Here, the materials submitted with the Complaint together with the affidavits in support of the motion for default judgment are sufficient to establish damages on the promissory note because those amounts (principal owed on the note and interest) are susceptible to mathematical computation.

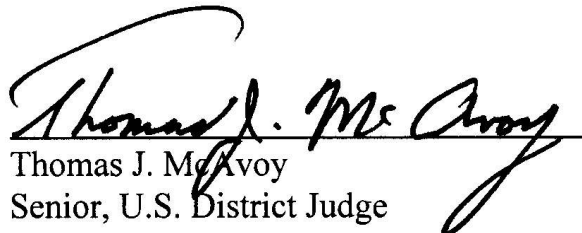
II. CONCLUSION

For the foregoing reasons, the motion for default judgment [dkt. # 8] is **GRANTED**, and judgment is entered in favor of the United States of America against JUDY THOMAS as follows:

Principal Balance:	\$ 11,111.77
Total interest Accrued:	1,159.96
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Total:	\$ 12,271.73
Interest Rate	3.625%
Post-judgment interest pursuant to 28 U.S.C. § 1961	

IT IS SO ORDERED

Dated: May 18, 2015


Thomas J. McAvoy
Senior, U.S. District Judge