

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00407-FDW-DCK

JENNIFER TIMMINS,)
)
 Plaintiff,)
)
 vs.)
)
 NIXON & POWELL CAPITAL, LLC,)
)
 Defendants.)
)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff Jennifer Timmins’ Motion for Default Judgment, (Doc. No. 8), against Defendant Nixon & Powell Capital, LLC. The Court agrees with the reasoning in Plaintiff’s motion and supporting documents that a default judgment is warranted. After reviewing the full record in this case, however, the Court, in its discretion, declines to award the full amount of statutory damages requested by Plaintiff.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Default Judgment is GRANTED in the amount of **FIVE THOUSAND ONE HUNDRED EIGHTY FOUR AND 50/100 DOLLARS (\$5,184.50)** plus interest at the judgment rate from the date of entry until paid as follows:

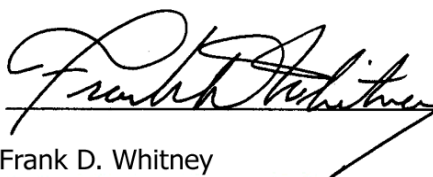
- (1) Statutory damages pursuant to N.C. Gen. Stat. § 58-70-30(b) in the amount of **\$500.00** for unreasonably publishing information regarding Plaintiff’s alleged debt to an unauthorized third party without Plaintiff’s consent in violation of N.C. Gen. Stat. § 58-70-105;
- (2) Statutory damages pursuant to N.C. Gen. Stat. § 58-70-130(b) in the amount of **\$500.00** for attempting to collect consumer debt by a fraudulent, deceptive or misleading representation in violation of N.C. Gen. Stat. § 58-70-110;
- (3) Statutory damages pursuant to 15 U.S.C. § 169k(a) in the amount of **\$1,000.00** for attempting to collect debt in violation of 15 U.S.C. § 16923e(10) and 15 U.S.C. § 16923e(14).

- (4) Plaintiffs reasonable attorney's fees pursuant to 15 U.S.C. §1692k(a)(3) in the amount of **\$2,784.50**; and,
(5) Costs pursuant to 15 U.S.C. § 1692k(a)(3) in the amount of **\$400.00**.

Plaintiff's Motion for Default Judgment is hereby GRANTED; and the Clerk is respectfully directed to close this case.

IT IS SO ORDERED.

Signed: March 25, 2015



Frank D. Whitney
Chief United States District Judge

