

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CATERINA SCHMIDT,

Plaintiff,

v.

Case No. 18-C-223

HOME WARRANTY ADMINISTRATORS, INC.
d/b/a CHOICE HOME WARRANTY; and
DOES 1-10, inclusive,

Defendants.

**ORDER STRIKING ANSWER AND
GRANTING MOTION FOR DEFAULT JUDGMENT**

This matter is before the court on Plaintiff's motion for default judgment against Defendant Home Warranty Administrators, Inc. (HWA). On February 12, 2018, Plaintiff filed her action against HWA. HWA filed its answer on May 7, 2018, but its attorney moved to withdraw on February 27, 2019. The court granted counsel's motion without objection on February 28, 2019, and held a telephone conference on March 7, 2019, at which only Plaintiff appeared. The court noted that HWA, as a corporate entity, could not appear without an attorney, and suggested that if it failed to retain counsel, a motion to strike its answer might be in order, accompanied by a motion for a default judgment. Plaintiff filed a motion for default judgment on March 14, 2019, and the court ordered Plaintiff serve HWA with a copy of its motion and the court's order informing HWA that if it did not retain counsel and oppose Schmidt's motion within 21 days of service Schmidt's motion would be granted. Schmidt served HWA on March 20, 2019, and to date HWA has not opposed Schmidt's motion nor retained counsel.

THEREFORE IT IS HERE BY ORDERED that HWA's May 7, 2018 answer (Dkt. No.5) be **STRICKEN** and Plaintiff's motion for a default judgment (Dkt No. 14) is **GRANTED**. Based on the allegations of Plaintiff's complaint, which are now undisputed, the court finds that HWA willfully and knowingly violated the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, *et seq.*, and Plaintiff is entitle to treble damages for the 61 automated phone calls HWA made to Plaintiff after Plaintiff informed HWA that she no longer wished to receive phone calls from it. 47 U.S.C. § 227(b)(3). The Clerk is directed to enter a default judgment against HWA for its violations of the TCPA and awarding Plaintiff \$91,500.00 in damages against HWA pursuant to 47 U.S.C. § 227.

Dated at Green Bay, Wisconsin this 22nd day of April, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court