

ENTERED

March 05, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TERRY WAYNE HUGHES,

Plaintiff,

VS.

NATIONAL CREDIT ADJUSTERS, LLC,

Defendant.

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CIVIL ACTION NO. H-17-3451

ORDER ON ENTRY OF DEFAULT AND FINAL DEFAULT JUDGMENT

The plaintiff, Terry Wayne Hughes, sued under the Fair Debt Collection Practices Act, the Texas Debt Collection Act, and the Telephonic Consumer Protection Act, alleging that the defendant engaged in impermissible debt collection activity through automated collection telephone calls despite instructions to cease. Following service with no appearance within the statutory period, the plaintiff moved for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure. The court entered default. The defendant had contacted the plaintiff, through counsel, and had asked for a settlement demand, which was provided, but no activity has occurred since then. This court order the plaintiff to file support for the damages and attorneys' fees sought in the motion for entry of final default judgment. The plaintiff has complied, seeking \$1,000 in statutory damages under 15 U.S.C. § 1692k(a)(2)(A) and 47 U.S.C. § § 227(b)(3)(B) and (C), and costs and reasonable fees under 15 U.S.C. § 1692k(a)(3). The plaintiff has established its entitlement to the statutory damages. The plaintiff also seeks statutory damages of at least \$500 for each of the 48 calls received, totaling \$24,000, under 47 U.S.C. § § 227(b)(3)(B). The plaintiff is entitled to \$500 in damages per call, for

a total of \$24,000. The plaintiff has shown that it has reasonably incurred \$3,292.34 in costs and attorneys fees for the time spent in this case, and that the hourly rate is reasonable. Final default judgment is entered in favor of Terry Wayne Hughes and against National Credit Adjusters, as follows:

\$24,000 in statutory damages;

\$3,292.34 in costs and fees; and

postjudgment interest at the rate of 1.22 % *per annum*.

This is a final judgment.

SIGNED on March 5, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge