

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Steve Townsend,

Plaintiff,

vs.

Case No. 12-2771-JTM

Commercial Recovery Systems, Inc.,

Defendant.

MEMORANDUM AND ORDER

Plaintiff Steve Townsend brought the present action against defendant Commercial Recovery Systems, Inc. (CRS), alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 *et seq* (FDCPA). CRS is a Texas entity with no Kansas resident agent, although it regularly transacts business in Kansas. (Dkt. 1, ¶¶ 6-7, 12-14). Townsend alleges that, in telephone calls attempting to collect on a disputed account, CRS agents made statements falsely inflating the debt, and threatening immediate garnishment and the seizure of assets. The threats were made after Townsend told the agents that he was represented by counsel in the dispute. Townsend contends that the false communications violate Sections 1692e, 1692c(2), and 1692f of the FDCPA.

Although service was apparently made on CRS by certified mail on December 15,

2012 (Dkt. 3), the defendant has not appeared or otherwise defended the action. On March 22, 2013, the Clerk entered default against CRS upon Townsend's Application. (Dkt. 4). The matter is now before the court on Townsend's Motion for Default Judgment.

Pursuant to Fed.R.Civ.P. 55(b)(2), the court finds that the defendant has failed to plead or otherwise defend as required by the Federal Rules of Civil Procedure, and the time allowed for such pleading or defense has ended. For good cause shown, the court hereby enters judgment against Commercial Recovery Systems, Inc. and in favor of the plaintiff for:

- (a) \$1,000.00 in statutory damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- (b) \$1,475.00 in attorney fees (reflecting 5.9 hours at \$250.00 per hour), pursuant to 15 U.S.C. § 1692k(a)(3); and
- (c) costs in the amount of \$355.95 (the court's filing fee of \$350.00 plus \$5.95 in services costs), also pursuant to § 1692k(a)(3).

IT IS ACCORDINGLY ORDERED this 10th day of July, 2013, that the plaintiff's Motion for Default Judgment (Dkt. 7) is hereby granted and that judgment is entered against Defendant in the amount of \$2,830.95.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE