

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

DONALD KELLY,

Plaintiff,

v.

JORDLANDY, INC., et al.,

Defendants.

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Civil Action No. 05DCV00046

MEMORANDUM DECISION

By: Samuel G. Wilson
United States District Judge

Donald Kelly brings this action under the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. §§ 1692 et seq. The matter is before the court on Kelly's motion to enforce settlement against defendants Andrew Becker and Law Offices of Andrew Becker, P.L.C. ("the defendants").¹ The defendants never filed an answer, and, upon Kelly's motion, the Clerk entered a default against the defendants. Kelly claims that he negotiated a settlement with the defendants on August 10, 2005, which required the defendants to pay \$5,000 by October 10, 2005, and to pay a late fee of \$2,500 upon failure to pay by the deadline but that the defendants never complied with the settlement. In support of his claims, Kelly has submitted a letter and consent order memorializing the terms of the settlement along with an email from the defendants signifying that they had received copies of the consent order and that they would promptly sign and return the order to Kelly's attorney. Despite the defendants' default, by order dated November 9, 2005, the court informed the defendants of its intent to rule on Kelly's motion and allowed the defendants ten days to file any pleading or exhibits refuting

¹ Kelly has either voluntarily dismissed or settled with all other defendants.

Texas Motion To Enforce

David Baud

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