

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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CHRISTOPHER CASHMAN, :
 :
Plaintiff, :
 :
vs. : No. 3:02CV1423 (MRK) (WIG)
 : **(LEAD)**

MICHAEL RICIGLIANO, JR. :
MARGIOTTA & RICIGLIANO, :
 :
Defendants. :
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KELLY S. JACKSON, :
 :
Plaintiff, :
 :
vs. : No. 3:02CV1424 (MRK) (WIG)
 : **(MEMBER)**

MICHAEL RICIGLIANO, JR. :
MARGIOTTA & RICIGLIANO, :
 :
Defendants. :
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KATHLEEN STROZESKI, :
 :
Plaintiff, :
 :
vs. : No. 3:02CV1426 (MRK) (WIG)
 : **(MEMBER)**

MICHAEL RICIGLIANO, JR. :
MARGIOTTA & RICIGLIANO, :
 :
Defendants. :
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JANET B. MONTVILLE, :
 :
Plaintiff, :
 :
vs. : No. 3:02CV1427 (MRK) (WIG)
 : **(MEMBER)**

MICHAEL RICIGLIANO, JR. :
MARGIOTTA & RICIGLIANO, :
 :
Defendants. :
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LUCIANO PETROLITA, :

Plaintiff, :

vs. : No. 3:02CV1822 (MRK) (WIG)

: **(MEMBER)**
MICHAEL RICIGLIANO, JR. :
MARGIOTTA & RICIGLIANO, :

:
Defendants. :
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RECOMMENDED RULING ON DAMAGES

Following the entry of partial summary judgment in favor of Plaintiffs, this matter was referred to the Undersigned for a hearing on damages. A hearing on damages was held on February 24, 2005, at which counsel for Plaintiffs and Defendants appeared.

After hearing argument of counsel and after due consideration of the damages provisions of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692k(a), the Court recommends that each named Plaintiff be awarded the sum of \$1,000.00 as statutory damages, pursuant to 15 U.S.C. § 1692k(a) (2) (A). The Court finds that this award is appropriate based upon the number of violations of the FDCPA by Defendants, the findings by Judge Kravitz in his summary judgment ruling, and the relevant factors established by the statute, 15 U.S.C. § 1692k(b) (namely (1) the frequency and persistence of noncompliance; (2) the nature of the noncompliance; and (3) the extent to which the noncompliance was intentional) and caselaw.

See, e.g., Savino v. Computer Credit, Inc., 164 F.3d 181 (2d Cir. 1998); In re Martinez, 266 B.R. 523 (Bankr. S. D. Fla. 2001), aff'd 271 B.R. 696 (S.D. Fla.), aff'd, 311 F.3d 1272 (11th Cir. 2002).

The Court has taken under advisement Plaintiffs' request for an award of attorneys' fees and costs, which will be decided after further briefing by the parties.

Accordingly, the Court recommends that damages be awarded against Defendants and in favor of each named Plaintiff in the amount of \$1,000.00. The parties are advised that any objections to this recommended ruling must be filed with the Clerk of the Court within ten (10) days of the receipt of this order. Failure to object within ten (10) days may preclude appellate review. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; D. Conn. L. Civ. R. 72 for Magistrate Judges; FDIC v. Hillcrest Assocs., 66 F.3d 566, 569 (2d Cir. 1995).

SO ORDERED, this 25th day of February, 2005, at Bridgeport, Connecticut.

_____/s/_____
William I. Garfinkel,
United States Magistrate Judge