

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANTHONY ARAGON WRIGHT,

Plaintiff,

v.

Case No: 2:23-cv-383-JLB-KCD

CROSSCOUNTRY MORTGAGE, LLC,

Defendant.

ORDER

The Magistrate Judge has entered a Report and Recommendation (Doc. 84), recommending that the Court grant Plaintiff's Renewed Motion for Entry of Default Judgment (Doc. 79) and enter a default judgment as to Defendant CrossCountry Mortgage, LLC's liability under the Florida Consumer Collection Practices Act ("FCCPA"). (Doc. 84 at 1, 14). The Magistrate Judge has further recommended that Plaintiff be awarded \$1,000 in statutory damages; that an evidentiary hearing be held on Plaintiff's request for actual and punitive damages; that Plaintiff's request for fees and costs be decided at the case's conclusion under Local Rule 7.01; and that Plaintiff's Fair Credit Reporting Act ("FCRA") claim against CrossCountry Mortgage, LLC ("CrossCountry") be dismissed. (*Id.* at 1–2, 14–15).¹ No party has objected to the Report and Recommendation, and the time to do so has expired.

¹ As the Magistrate Judge observed in the Report and Recommendation, Plaintiff's motion did not request a default judgment as to his FCRA claim against CrossCountry. (Doc. 84 at 2, 14–15; *compare* Doc. 79 (default judgment motion),

A district judge “may accept, reject, or modify, in whole or in part,” the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). The district judge must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*

Here, after an independent review of the record, and noting that no objection has been filed, the Court finds that the thorough and well-reasoned Report and Recommendation is due to be adopted (with the one modification noted above).

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Doc. 84) is **ADOPTED** (with the one modification in note 1, *supra*) and made part of this Order for all purposes.
2. Plaintiff’s Renewed Motion for Entry of Default Judgment (Doc. 79) is **GRANTED in part**, to the extent stated in the Report and Recommendation (Doc. 84). The Court will enter a default judgment as to Defendant CrossCountry Mortgage, LLC’s liability under the Florida Consumer Collection Practices Act and will award Plaintiff \$1,000 in statutory damages. *See Fla. Stat. § 559.77(2)*. Before the judgment issues, this matter is **REFERRED** to the Magistrate Judge for an evidentiary hearing and a

*with Doc. 1 at 29–31 (Count III of the Complaint, asserting FCRA claim against CrossCountry)). The Magistrate Judge therefore concluded that Plaintiff had abandoned his FCRA claim against CrossCountry. (Doc. 84 at 2, 14–15). Page 14 of the Report and Recommendation also refers to the abandoned claim as being under the “FDCPA” (see *id.* at 14); but the Report and Recommendation makes clear that the abandoned claim is Plaintiff’s “FCRA” claim against CrossCountry (see *id.* at 2, 15).*

report and recommendation as to Plaintiff's request for actual and punitive damages under Fla. Stat. § 559.77(2).

3. Plaintiff's Fair Credit Reporting Act claim against Defendant CrossCountry Mortgage, LLC in Count III of the Complaint is **DISMISSED**.
4. Plaintiff's request for attorneys' fees and costs (Doc. 79 at 18) is **DENIED without prejudice** to Plaintiff re-filing under Local Rule 7.01.
5. The Clerk of Court is **DIRECTED** to mail a copy of this Order to Defendant CrossCountry at the address in the Report and Recommendation (Doc. 84 at 15).

ORDERED at Fort Myers, Florida on April 12, 2024.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE