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JAN 1 1988

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

PAULA EWING and DANNY L. EWING,)
)
 Plaintiffs,)
)
 vs.)
)
 DONNA S. MESSERLI, d/b/a)
 National Locate and Recovery)
 Systems,)
)
 Defendant.)

CIV. 87-5036

ORDER

FILED
January 15 1988
William F. Clayton
Clerk

On January 14, 1988, the Plaintiff moved this Court for fees and expenses incurred in attempting to take the deposition of Defendant Donna S. Messerli. The record reflects that said Defendant was personally served with the notice of deposition but failed to appear. Plaintiff's attorney has submitted an itemization of the expenses incurred with respect to the scheduled deposition in the form of an affidavit. The total amount of those expenses incurred due to the Defendant's failure to appear equals \$216.34.

Good cause having been shown, it is hereby ORDERED that Plaintiff shall be awarded \$216.34 in fees and costs for Defendant's failure to attend the scheduled deposition and that said amount shall be borne by the Defendant.

Dated this 15th day of January, 1988.

BY THE COURT:

Richard H. Battey
RICHARD H. BATTEY
UNITED STATES DISTRICT JUDGE

NOTICE OF ENTRY

Take notice that the original of this [unclear] and entered in the office of the Clerk of the United States District Court for the District of South Dakota on the 15th day of Jan 1988.

ATTEST:
WILLIAM F. CLAYTON, CLERK

By *Alice R. Raesley*
Deputy Clerk

(SEAL)

William F. Clayton
Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
June 23 1988
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PAULA EWING AND DANNY L.)
EWING,)
)
Plaintiffs,)
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vs.)
)
DONNA S. MESSERLI, d/b/a)
National Locate and Recovery)
Systems,)
)
Defendant.)

#87-5036

PLAINTIFFS' ~~PROPOSED~~
JUDGMENT

The above-entitled matter having come on for court trial before this Court on the 9th day of May, 1988, the Plaintiffs being represented at trial by Todd A. Schweiger, Black Hills Legal Services, Inc., the Defendant, having filed her Answer pro se, and having failed to further communicate with this Court, despite repeated communications from this Court and from Plaintiffs' counsel, the Defendant further having failed to appear at said trial; the Court having considered the evidence presented at said trial, and good cause shown therefore, the Court now enters judgment as follows:

I.

The Defendant has violated the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692(k), by five intentional, separate acts and is liable to the Plaintiffs for punitive damages in the amount of One Thousand Dollars (\$1,000.00) for each violation, totalling Five Thousand Dollars (\$5,000.00).

II.

That Defendant is liable to Plaintiff Paula Ewing for actual damages, including pain and suffering, mental anguish, loss of income and medical expenses in the amount of Two Thousand, Three Hundred and Forty Dollars (\$2,340.00).

III.

That Defendant is liable to Plaintiff Danny L. Ewing for loss of income, loss of consortium, pain and suffering and transportation expenses in the amount of Six Hundred and Eleven Dollars (\$611.00).

IV.

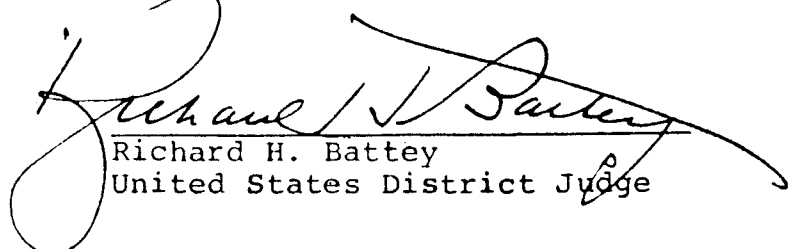
That the Defendant is liable to pay the Plaintiffs' costs and attorney's fees, pursuant to the Federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692(k), totalling Three Thousand, Nine Hundred, Forty-Eight Dollars and Eighty-Five Cents (\$3,948.85).

V.

That the total judgment against the Defendant, Donna S. Messerli, d/b/a National Locate and Recovery Systems, and in favor of the Plaintiffs, Paula Ewing and Danny L. Ewing, is Eleven Thousand, Eight Hundred, Ninety-Nine Dollars and Eighty Five Cents (\$11,899.85), including attorney's fees.

Dated this 23rd day of June, 1988.

BY THE COURT:


Richard H. Battey
United States District Judge