

FILED & ENTERED

JAN 08 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

ORDER NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

SASHA LASHE RAMSEY,

Debtor.

Case No. 2:15-bk-22508-RK

Chapter 7

Adv. No. 2:15-ap-01519-RK

ATLANTA POSTAL CREDIT UNION,

Plaintiff,

vs.

SASHA LASHE RAMSEY,

Defendant.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

Date: January 5, 2016

Time: 2:30 p.m.

Courtroom: 1675

The motion of creditor, movant Atlanta Postal Credit Union came on for hearing on January 5, 2016 before the Honorable Robert Kwan, United States Bankruptcy Judge. An appearance was made on behalf of plaintiff by Katherine Kane. No other appearances were made.

The Court grants in part plaintiff's motion in the principal loan amount of \$33,503.60 for the reasons stated in the moving papers and for lack of timely written opposition. This amount is a nondischargeable debt pursuant to 11 U.S.C. §§ 523(a)(2)(A) and (a)(6). As stated in its tentative ruling and in its remarks at the hearing, the Court denies the motion in part as to the remaining

1 amounts requested, the claims for amount above principal amount, \$350.00 in costs, \$2,876.85 in
2 attorneys' fees and prejudgment interest for lack of substantiation since no contractual or statutory
3 basis for such claims is provided. Plaintiff has not submitted a copy of the contract, nor has it cited
4 any statute, for its claims in excess of the principal amount of the loan, which was evidenced by a
5 copy of the loan check. The court also denies the motion in part as to the claims for punitive
6 damages since no specific amount was pleaded in the complaint, and to award on a default
7 judgment would deny procedural due process. *See*, 1 Wagstaffe, *Rutter Group Federal Civil*
8 *Procedure Before Trial*, ¶ 6:130 *et seq.*, at 6-36 (2015), *citing inter alia*, Fed. R. Civ. P. 54(c) and
9 *Fehlhaber v. Fehlhaber*, 681 F.2d 1015, 1024-1025 (5th Cir. 1982).

10 By separate order, judgment is to be entered in favor of plaintiff Atlanta Postal Credit
11 Union and against defendant, debtor Sasha Lashe Ramsey in the sum of \$33,503.60.

12 IT IS SO ORDERED.

13 ###
14
15
16
17
18
19
20
21
22

23 Date: January 8, 2016
24



25 Robert Kwan
26 United States Bankruptcy Judge
27
28