

A Strange Kind of Case: GA District Court Orders Plaintiff To Submit Evidence Substantiating Claims Of Actual Damages Before Ruling On Default Judgment

Article By:

Sean S. Kay

Good morning TCPA World and happy Monday. Well we are starting the week with a strange case that recently popped up out of the Northern District of Georgia. The case was originally filed in Maine and made its way down to Georgia. The case is titled [STRANGE v GMR and APE](#), case number 1:21-cv-04469-SDG.

This case stems from a single phone call from an unknown debt collector who was calling to collect a \$1,200 overdue balance on plaintiff's credit card. Plaintiff claims that he was threatened with litigation and verbally abused by the caller. Plaintiff determined the identity of two entities connected to the call and asserted claims under the TCPA, Fair Debt Collection Practice Act (FDCPA), the Georgia Fair Business Practices Act (GFBPA), and the Georgia Unfair or Deceptive Practices Toward the Elderly Act (GUDPTEA). After both entities were served and neither made an appearance, plaintiff sought a default judgment. Then in Maine District Court, plaintiff was requested to show why the Court had personal jurisdiction over the two defendants. Plaintiff responded and requested if the court determined that it lacked personal jurisdiction, to transfer the matter to a Georgia district court, which is exactly what the Maine Court did. Now in Georgia district court, the court issued a ruling this past week on (1) why it lacked personal jurisdiction over APE (defendant #1); and (2) why it would not issue a default judgment on plaintiff's extensive claims for monetary relief against GMR (defendant #2).

As to APE, which is an LLC, the court needed to make a determination on whether it could exercise personal jurisdiction over APE before making any finding on plaintiff's claim for a default judgment. The court explained that, on the one hand, a court can exercise general jurisdiction over a corporate defendant if its connection to the state is "so systematic and continuous" that the corporate defendant could have anticipated that it be subject to suit in that state. On the other hand, a court's ability to exercise specific jurisdiction over a corporate defendant looks at the extent of the relationship between the underlying lawsuit and the state; thus general jurisdiction looks at the specific defendant's connection to the state while specific jurisdiction looks at the underlying lawsuits connection to the state. Here, the court found that the only connection APE has to Georgia is its sole member residing and owning property in the state, and that plaintiff failed to show how the court could exercise either general or specific personal jurisdiction over APE (it should be noted that plaintiff has been representing himself pro se). Citing the states long arm statute, the court concluded

that it lacked personal jurisdiction over APE. Thus, with the court unable to exercise personal jurisdiction over APE, it in turn could not enter an order of default judgment against APE.

As to GMR, the court looked at the relief sought by plaintiff in determining to what extent it could make an entry of default judgment against it. The court first noted that Plaintiff could not recoup attorneys fees because he represented himself, but could recover money spent on filings. Further, plaintiff claimed damages of worry, exacerbation of his disabilities, and various physical ailments and panic attacks. Specifically, he claimed that he had “suffered actual damages and injury, including but not limited to monetary loss, fear, stress, mental anguish, emotional stress, acute embarrassment, anxiety, loss of sleep, and suffering.” The court however noted that plaintiff had not substantiated any of his claims with respect to the above actual damages and injury. Thus, the court issued an order that plaintiff needs to submit evidence substantiating his claim within 30 days or risk dismissal of the claim.

VERY INTERESTING (AND STRANGE) CASE! We will definitely keep an eye on this one and provide you guys with an update to see if plaintiff continues to pursue his claims and complies with the court’s order to submit additional evidence. Until next time TCPA World!

© 2025 Troutman Amin, LLP

National Law Review, Volume XII, Number 234

Source URL: <https://natlawreview.com/article/strange-kind-case-ga-district-court-orders-plaintiff-to-submit-evidence>