

United States District Court
for the
Southern District of Florida

Federal Trade Commission, Plaintiff)	
)	
v.)	Civil Action No. 14-23109-Civ-Scola
)	
Partners In Health Care Association, Inc., et al., Defendants)	

Default Judgment

The Plaintiff has moved for a default judgment against Defendant Partners In Health Care Association, Inc. (“PIHC”) consistent with Federal Rule of Civil Procedure 55(b)(2). Previously, the Clerk of the Court entered a default under Rule 55(a). A “defendant, by his default, admits the plaintiff’s well-pleaded allegations of fact,” as set forth in the operative complaint.” *Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009). In issuing a default judgment, a court may award damages “without a hearing [if the] amount claimed is a liquidated sum or one capable of mathematical calculation,” as long as “all essential evidence is already of record.” *S.E.C. v. Smyth*, 420 F.3d 1225, 1231, 1232 n.13 (11th Cir. 2005) (quoting *Adolph Coors Co. v. Movement Against Racism & the Klan*, 777 F.2d 1538, 1544 (11th Cir. 1985)).

The Complaint alleges that PIHC violated Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (the “TSR”), 15 U.S.C. § 6101, et seq. In support of these claims, the Complaint includes factual allegations detailing how PIHC sold a medical discount card as health insurance. The Plaintiff has also provided the Court with the declaration of John Aiken, a FTC investigator and Certified Fraud Examiner (“CFE”). (ECF No. 163–8). Aiken went through PIHC’s files and established the amount PIHC earned from consumers for the sale of the discount card was \$8,746,094.18. (*Id.* at 5.)

After having considered the Motion, the record, and the relevant legal authorities, the Court **grants** the Motion for Default Judgment (ECF No. 203). The Court **enters judgment** in favor of the Plaintiff and finds Defendant PIHC jointly and severally liable in the amount of \$8,746,094.18, for which sum let execution issue. Interest upon this judgment amount will accrue at the applicable legal rate. A Final Order for Permanent Injunction against PIHC and

Defendant Gary L. Kieper will follow this Order. The Defendant's last known address is 1519 Oshkosh Ave, Oshkosh, WI, 54902.

Because Defendant PIHC is the last remaining defendant in this matter, the Court **directs** the Clerk to **close** this case.

Done and ordered in chambers, at Miami, Florida, on June 27, 2016.

Robert N. Scola, Jr.
United States District Judge