

STATE OF MICHIGAN  
IN THE 7TH CIRCUIT COURT  
FOR THE COUNTY OF GENESEE

TRI-COUNTY CHIROPRACTIC OF  
MICHIGAN, INC.,  
PLAINTIFF,

CASE NO. 10-93656-CZ

HON. JUDITH FULLERTON

- v -

DSM SUPPLY, LLC  
and  
MR. SCOTT MALCOLM,  
DEFENDANTS.

ORDER GRANTING PLAINTIFF'S  
MOTION FOR ENTRY OF DEFAULT  
JUDGMENT

Plaintiff's Attorney:  
Steven E. Shelton (P68652)  
Shelton Legal Services, PLLC  
110 Trealout Drive, Suite 201  
Fenton, MI 48430  
810-750-1420

Defendants' Attorney(s):  
DSM Supply, LLC  
Defendant In Pro Per  
5115 N. Galloway Ave, Suite 202  
Mesquite, TX 75150  
214-575-3511

Mr. Scott Malcolm  
Defendant In Pro Per  
11837 Judd Court  
Dallas, TX 75243  
214-575-3511

A TRUE COPY  
Michael J. Carr, Clerk

ORDER GRANTING PLAINTIFF'S  
MOTION FOR ENTRY OF DEFAULT JUDGMENT

At a session of said court held in the City of Flint, County  
of Genesee, and State of Michigan on September 20,  
2010.

PRESENT: Hon. Judith Fullerton, Circuit Court Judge

This matter having come before the Court on Plaintiff's Motion for Entry of Default Judgment, the Court having read the pleadings, heard arguments, and otherwise being fully advised in the premises; and the Court finding that Defendants willfully and knowingly violated the

Telephone Consumer Protection Act (47 USC 227 *et seq*) a total of 44 times (22 times by sending unsolicited advertisements by fax to Plaintiff, and 22 additional times by failing to include an “opt-out” notice that met the requirements of the statute and/or regulations promulgated thereunder); and the Court finding that Plaintiff notified Defendants in writing on January 29, 2010 that defendants did not have consent to send advertisements to Plaintiff’s fax machine, with Defendants sending 13 advertisements by fax to Plaintiff subsequent to that date in violation of MCL 445.1772; and the Court finding that the requested costs and attorney fees in this matter are reasonable:

IT IS HEREBY ORDERED that Plaintiff’s Motion for Entry of Default Judgment is GRANTED;

IT IS FURTHER ORDERED that judgment for \$72,500.00 in favor of Plaintiff is granted as follows:

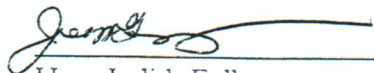
1. Statutory damages totaling \$72,500.00 calculated as follows:
  - A. \$500 for each violation of 47 USC 227(b)(1)(C) in Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 40, 41, 43, 44, 46, 47, 49, 50, 52, 53, 55, and 56—trebled to \$1,500 per violation for a willful or knowing violation in accordance with 47 USC 227(b)(3)—for total damages on these counts of \$66,000.00; plus
  - B. \$500 for each violation of 445.1771 *et seq* in Counts 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, and 57 for total damages on these counts of \$6,500.00.
2. Costs of \$400.00; and
3. \$1,356.25 in attorney fees, pursuant to MCL 445.1776;

IT IS FURTHER ORDERED that Defendants are hereby permanently restrained and enjoined from operating a fax machine, or causing a fax machine to be operated, for the purpose of

sending any unsolicited advertising or marketing materials to any fax machine located in the State of Michigan, or otherwise violating the Telephone Consumer Protection Act, 47 USC 227 *et seq*, within the State of Michigan.

IT IS FURTHER ORDERED that this judgment will earn interest at statutory rates, computed from the filing date of the complaint. Judgment has been entered and will be final unless within 21 days of the default judgment date a motion to set aside the default judgment is filed. This Order resolves all pending claims in this matter and closes this case.

Date: 9-20-10

  
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Hon. Judith Fullerton  
Genesee County Circuit Court Judge