

**IN THE CIRCUIT COURT OF JACKSON COUNTY
ASSOCIATE DIVISION**

CACH, LLC

Plaintiff,

v.

LYNN M. DINGWALL

Defendant

Case No. 1416-CV09906

Div. 6

PLAINTIFF LYNN DINGWALL'S MOTION FOR ATTORNEY'S FEES

COMES NOW Plaintiff Lynn Dingwall, by and through counsel, and respectfully moves this Court for an Order requiring CACH, LLC ("CACH") to compensate the Plaintiff for her attorney's fees and costs. In support of this Motion, the Plaintiff incorporates her Suggestions in Support of this Motion and states the following:

1. On April 29, 2014, CACH brought suit against Lynn Dingwall (now "Plaintiff"), demanding payment for a credit card debt.
2. On May 28, 2015, Plaintiff's counsel appeared at the scheduled hearing and accepted service for Plaintiff Lynn Dingwall.
3. On June 27, 2014, Plaintiff filed a counterclaim asserting that CACH violated the Fair Debt Collection Practices Act ("FDCPA"). Plaintiff also filed an Answer to CACH's Petition that instigated the debt collection lawsuit.
4. On December 10, 2014, the Court entered summary judgment on all counts in CACH's debt collection lawsuit.
5. On February 21, 2017, this Court commenced a four-day jury trial for the purpose of determining (1) compensatory damages, if any, directly resulting from CACH's violation of the FDCPA; (2) statutory damages, if any, under the FDCPA; (3) liability and damages for

malicious prosecution; and (4) liability for punitive damages and the amount of punitive damages. The jury returned a verdict in favor of Plaintiff Dingwall on her FDCPA claim and awarded compensatory and statutory damages.

6. Counsel for both parties stipulated that the amount of attorney's fees awarded under the FDCPA, if any, will be determined by the trial court after trial.

7. The Plaintiff respectfully requests compensation for her attorney's fees under 15 U.S.C. § 1692k(a)(3) of the FDCPA.

8. Further, the Plaintiff respectfully requests compensation for costs under 15 U.S.C. § 1692k(a)(3) of the FDCPA.

9. Under the FDCPA, "any debt collector" that violates the FDCPA is liable "for the costs of the action together with reasonable attorney's fees as determined by the Court." *Id.*


10. The Plaintiff's Suggestions in Support of this Motion together with the exhibits and affidavits attached thereto justify a full award of costs and attorney's fees.

WHEREFORE, the Plaintiff respectfully moves this Court for an award of attorney's fees and costs as follows:

- a) Under the FDCPA, the Plaintiff respectfully requests compensation in the amount of \$975,390 for attorney's fees, based upon a lodestar amount of \$390,156 and a multiplier of 2.5; and
- b) Under the FDCPA, the Plaintiff seeks \$23,850.46 for her costs of this action.

Respectfully submitted,

BOYD, KENTER, THOMAS & PARRISH, LLC



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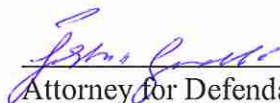
ATTORNEYS FOR DEFENDANT/COUNTERCLAIM PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was filed with the Court's electronic filing system on this 13th day of March, 2017, which sent notification of such filing to the counsel for Plaintiff identified below:

Anthony F. Porto, III
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Chicago, IL 60602

**ATTORNEYS FOR PLAINTIFF/
COUNTERCLAIM DEFENDANT
CACH, LLC**



Attorney for Defendant/Counterclaim Plaintiff