

**IN THE COUNTY COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA**

Case No.: 2024-29084-CODL

Division: 71

**JEREMIAH-MATTHEW ANDERSON,
Plaintiff,**

v.

**WESTLAKE FINANCIAL SERVICES,
Defendant.**

**PLAINTIFF'S MOTION FOR HEARING ON DAMAGES
AND FOR CREDIT-REPORT CORRECTION**

COMES NOW Plaintiff, JEREMIAH-MATTHEW ANDERSON ("Plaintiff"), pro se, and respectfully moves this Honorable Court for a hearing to determine damages arising from Defendant's unlawful disposal of Plaintiff's 2011 Ford F-450, and further seeks an order compelling Defendant, WESTLAKE FINANCIAL SERVICES ("Defendant"), to remove or correct inaccurate credit reporting. In support, Plaintiff states as follows:

I. BRIEF BACKGROUND

1. On December 19, 2024, this Court granted Plaintiff's Complaint for Replevin (Case No. 2024-29084-CODL), entitling Plaintiff to immediate possession of the 2011 Ford F-450.
2. Defendant issued a Form 1099-C on or about August 19, 2024, thereby canceling the debt. Despite that discharge, Defendant repossessed and sold the vehicle on or about November 1, 2024.
3. Since August 19, 2024, Defendant has continued collection attempts and reported false "late payments" and "repossession" notations to credit bureaus, thereby damaging Plaintiff's credit.

II. RELIEF REQUESTED

A. Hearing on Damages

Plaintiff requests an evidentiary hearing to determine:

- The fair market value of the truck, including the \$10,000 engine replacement and \$1,285 brake upgrades;
- Loss of use damages;
- Treble damages for civil theft pursuant to Fla. Stat. § 772.11;
- Statutory and punitive damages under the FDCPA, FCRA, and FCCPA; and
- Court costs and any allowable fees.

B. Credit-Report Correction / Injunctive Relief

Plaintiff further seeks an order requiring Defendant to:

- Remove or correct any negative entries tied to the discharged debt;
- Report a \$0 balance and “paid in full” or “settled” status; and
- Provide written confirmation of such corrections.

III. LEGAL BASIS

A. Replevin (Fla. Stat. Ch. 78) entitles Plaintiff to recover damages when property is wrongfully disposed of.

B. The FDCPA, FCRA, and FCCPA prohibit post-discharge collection efforts and false credit reporting.

C. Under Fla. Stat. § 772.11 (Civil Theft), Defendant’s knowing, wrongful taking of Plaintiff’s property warrants treble damages, plus attorney’s fees and costs.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Set this matter for an evidentiary hearing on damages at the earliest convenience;
2. Enter a Final Judgment in favor of Plaintiff, awarding:
 - (a) Actual damages (including loss-of-use and out-of-pocket expenses);
 - (b) Treble damages pursuant to Fla. Stat. § 772.11 (based on actual damages approximating \$29,178.35, which would result in treble damages of approximately \$87,535.05);
 - (c) Statutory damages under the FDCPA (up to \$1,000 total) and FCCPA (up to

\$1,000);

(d) Any additional punitive damages allowed by law; and

(e) Plaintiff's reasonable attorneys' fees and costs, plus applicable interest;

3. Order Defendant to immediately commence the credit-report correction process as described above; and

4. Grant any further relief deemed just and proper, including an order to postpone the hearing or waive the 30-day pre-suit requirement under Fla. Stat. § 772.11 if necessary.

Dated: 2/13/25


JEREMIAH-MATTHEW ANDERSON (Pro Se)

3634 Watermelon Lane

New Smyrna Beach, FL 32168

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 13 day of ~~FEBRUARY~~ FEBRUARY, 2025, a true and correct copy of the foregoing was furnished via the Florida Courts E-Filing Portal (and/or by U.S. Mail) to:

Liebler, Gonzalez & Portuondo

44 West Flagler Street, 25th Floor

Miami, FL 33130

(Counsel for Westlake Financial Services)


Signature

Jeremiah-Matthew Anderson, Pro Se