

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Christopher Laccinole v. COVA Home Realty LLC, et al.

Laccinole · No. 2:21-cv-00507 · Decided March 4, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia adopts a magistrate judge’s Report and Recommendation concerning Plaintiff Christopher Laccinole’s motion for default judgment against KD Homes VA, LLC and Kelly Liedtke. The court awards \$19,000 in statutory damages, \$402 in court costs, and post-judgment interest for violations of the Telephone Consumer Protection Act and Virginia Telephone Privacy Protection Act, and directs entry of judgment and closure of the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Raymond A. Jackson
JURISDICTION	United States District Court for the Eastern District of Virginia
DECIDED	March 4, 2026
DOCKET	2:21-cv-00507
DISPOSITION	other
PROCEDURAL POSTURE	After default was entered against KD Homes VA, LLC and Kelly Liedtke, the plaintiff moved for default judgment. The motion was referred to a magistrate judge for a report and recommendation. With no objections filed, the district court reviewed the recommendation for clear error, adopted it in full, and entered final judgment in part for the plaintiff.
STANDARD OF REVIEW	Clear-error review of the magistrate judge's findings and recommendations because no objections were filed.
PRECEDENTIAL VALUE	unpublished district court final order

TOPICS

- default judgment
- default
- consumer protection
- damages
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should adopt the magistrate judge's report and recommendation on the plaintiff's motion for default judgment when no party filed objections.
2. Whether judgment, statutory damages, post-judgment interest, and court costs should be entered against KD Homes based on the alleged TCPA and VTPPA violations.

HOLDINGS

1. When no objections are filed to a magistrate judge's report and recommendation, the district court reviews the record for clear error and may adopt the recommendation if no clear error is found. The court found no clear error and adopted the report and recommendation in full.
2. The plaintiff's motion for default judgment was granted in part and denied in part, and judgment was entered in the plaintiff's favor against KD Homes for the TCPA and VTPPA violations identified in the adopted report and recommendation.
3. The adopted recommendation awarded the plaintiff \$19,000 in statutory damages, consisting of \$2,500 under the TCPA and \$16,500 under the VTPPA, post-judgment interest under 28 U.S.C. § 1961(a), and \$402 in court costs under the VTPPA.

KEY QUOTATIONS

“only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (Final Order, footnote 3)

FACTUAL BACKGROUND

The plaintiff alleged that the defendants violated the TCPA and the VTPPA through telephone solicitations. KD Homes VA, LLC and Kelly Liedtke were served but did not appear, and default was entered against them. The magistrate judge identified five solicitations supporting judgment against KD Homes and recommended statutory damages totaling \$19,000, post-judgment interest, and \$402 in court costs.

PROCEDURAL HISTORY

The plaintiff filed claims under the Telephone Consumer Protection Act and the Virginia Telephone Privacy Protection Act. COVA Home Realty LLC and Randolph James Tappen were dismissed by stipulation, while KD Homes VA, LLC and Kelly Liedtke failed to appear after service and were found in default. The magistrate judge recommended granting the motion for default judgment in part and denying it in part, awarding specified statutory damages and costs. The district court found no clear error, adopted the report and recommendation in full, directed entry of judgment in the plaintiff's favor against KD Homes as detailed in the recommendation, and closed the case.

DISPOSITION

other

CASES CITED

- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

OPINION

Laccinole

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

Norfolk Division

CHRISTOPHER LACCINOLE,

Plaintiff, v. ACTION NO. 2:21cv507 COVA HOME REALTY LLC, et al., Defendants.

FINAL ORDER

Plaintiff Christopher Laccinole (“Plaintiff”), appearing pro se, filed this action against Defendants COVA Home Realty LLC (“COVA”), Randolph James Tappen (“Tappen”), KD Homes VA, LLC (“KD Homes”), and Kelly Liedtke (“Liedtke”). Second Am. Compl., ECF No. 23. The operative complaint asserted claims pursuant to the Telephone Consumer Protection Act (“TCPA”) and the Virginia Telephone Privacy Protection Act (“VTPPA”). /d. Despite being served with process, KD Homes and Liedtke never appeared in this action, and default was entered against them. Entry Default, ECF No. 31. COVA and Tappen were dismissed from this action pursuant to a stipulation of the appearing parties, and Plaintiff subsequently filed a Motion for Default Judgment against KD Homes and Liedtke. Order, ECF No. 82; Stip., ECF No. 80; Mot. Default J., ECF No. 83. Plaintiff’s Motion for Default Judgment was referred to a United States Magistrate Judge for a Report and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 1. Plaintiff styled his motion as a “Motion for Summary Judgment Upon Defendants KD Homes VA LLC and Kelly Liedtke” however, the Court construed Plaintiff’s motion as a Motion for Default Judgment. Referral Order at 1, ECF No. 87. 72(b) of the Federal Rules of Civil Procedure. Referral Order at 2, ECF No. 87. On January 23, 2026, the Magistrate Judge held a hearing on the Plaintiff’s motion.2, R&R at 2, ECF No. 90. On February 11, 2026, the Magistrate Judge filed a Report and Recommendation, in which he recommends that: 1, Plaintiff’s [M]otion for [Default Judgment, ECF No. 83, be GRANTED IN PART and DENIED IN PART; 2 Judgment be entered in [P]laintiff’s favor against KD Homes for violations of the TCPA under Count II and the VTPPA under Count VIII for the five solicitations on September 12, 2021, and 2:18 p.m.; September 12, 2021, at 2:19 p.m.; November 21, 2021; December 16, 2021; and December 16, 2021, at 5:21 p.m.;

3. Plaintiff be awarded damages totaling \$19,000.00, representing statutory

damages under the TCPA (\$2,500.00) and the VTPPA (\$16,500.00), and post-judgment interest as calculated under 28 U.S.C. § 1961(a); and 4, Plaintiff be awarded court costs of \$402.00 under the VTPPA. Id. at 34-35. By copy of the Report and Recommendation, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. □□□ at 35. No objections were filed by any party, and the time for filing objections has expired. Having reviewed the relevant portions of the record and finding no clear error in the Magistrate Judge's findings or reasoning,' the Court hereby ADOPTS in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed on February 11, 2026. See id. at 1-36. Accordingly, Plaintiff's Motion for Default Judgment, ECF No. 83, is GRANTED IN PART and DENIED IN PART, in the manner 2 Only Plaintiff appeared at the hearing; KD Homes and Liedtke did not appear. R&R at 2, ECF No. 90. 3 As no objections to the Report and Recommendation were filed, this Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond y. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). recommended by the United States Magistrate Judge. The Clerk is DIRECTED to enter judgment in Plaintiffs favor against KD Homes, as detailed above, and close this case. The Clerk is further DIRECTED to docket this Final Order in the Court's electronic filing system, and to send copies of this Final Order to KD Homes and Liedtke at 612 Cheeseman Court, Newport News, Virginia 23608. SO ORDERED. math Jackson

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia March , 2026 4 The Court previously granted Plaintiff's E-Noticing Registration Request. Order, ECF No. 67.