

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

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

Action No. 2:21-cv-507 (E.D. Va. Feb. 11, 2026) (report and recommendation) · No. 2:21-cv-507 · Decided
February 11, 2026

SUMMARY

This United States Magistrate Judge’s Report and Recommendation addresses pro se plaintiff Christopher Laccinole’s motion for default judgment against Kelly Liedtke and KD Homes VA LLC. The action concerns alleged telemarketing calls and text messages in violation of the Telephone Consumer Protection Act and Virginia Telephone Privacy Protection Act. The court considers service, jurisdiction, standing, default-judgment standards, and vicarious liability, and recommends that the motion be granted in part and denied in part.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Robert J. Krask, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	February 11, 2026
DOCKET	2:21-cv-507
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on plaintiff's motion for default judgment against defendants Kelly Liedtke and KD Homes VA LLC after the Clerk entered their defaults.
STANDARD OF REVIEW	A default judgment under Federal Rule of Civil Procedure 55(b)(2) is discretionary. Well-pleaded factual allegations are deemed admitted, but the court must independently determine whether those allegations state a claim supporting relief and must independently determine damages. The report and recommendation was subject to de novo review of properly objected-to portions under 28 U.S.C. § 636(b)(1) (C) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Christopher Laccinole v. Kelly Liedtke, KD Homes VA LLC

TOPICS

default judgment

service of process

personal jurisdiction

consumer protection

civil procedure

PRACTICE AREAS

civil procedure

consumer protection

telephone consumer protection

default judgment

real estate marketing

QUESTIONS PRESENTED

1. Whether service of process, personal jurisdiction, subject matter jurisdiction, and venue were adequate for entry of default judgment.
2. Whether the well-pleaded allegations established Article III standing.
3. Whether the allegations established an agency relationship or apparent authority making Liedtke and KD Homes vicariously liable for the callers' conduct.
4. Whether the allegations supported liability under the TCPA and its implementing regulations for solicitations to a number registered on the National Do-Not-Call Registry.
5. Whether the allegations supported liability under the Virginia Telephone Privacy Protection Act.
6. Whether plaintiff was entitled to statutory damages, costs, post-judgment interest, injunctive relief, attorney fees, prejudgment interest, or referral to the Virginia Attorney General.

HOLDINGS

1. Service of process was properly effected on Liedtke individually and on KD Homes through Liedtke as its registered agent; personal jurisdiction and venue were therefore adequate for consideration of default judgment.
2. Plaintiff sufficiently alleged Article III standing under the TCPA and VTPPA.
3. Default does not automatically establish liability; the court must determine whether the well-pleaded allegations state a claim supporting the requested relief.
4. Plaintiff failed to allege sufficient facts to hold Liedtke vicariously liable for the solicitations.
5. Plaintiff sufficiently alleged that Villaflor acted as an agent of KD Homes, or with its apparent authority, for five solicitations between September and December 2021, but not for the remaining solicitations.
6. Plaintiff could not recover under Count I because 47 U.S.C. § 227(c)(5) authorizes a private action predicated on violations of FCC regulations but does not itself provide the separate cause of action asserted in Count I.
7. Plaintiff sufficiently alleged five violations of 47 C.F.R. § 64.1200(c)(2), actionable under 47 U.S.C. § 227(c)(5), based on solicitations by KD Homes through Villaflor to a residential wireless number registered on the National Do-Not-Call Registry.

8. Plaintiff failed to establish liability under the TCPA claims concerning a written do-not-call policy, employee training, and caller identification.
9. Plaintiff failed to establish violations of the VTPPA provisions governing solicitation hours and identification information.
10. Plaintiff sufficiently alleged five violations of Va. Code Ann. § 59.1-514 based on KD Homes' solicitations to a number registered on the National Do-Not-Call Registry.
11. Plaintiff should receive \$2,500 in TCPA statutory damages, \$16,500 in VTPPA statutory damages, \$402 in court costs, and post-judgment interest, but not treble damages, injunctive relief, attorney fees, prejudgment interest, or referral to the Virginia Attorney General.

KEY QUOTATIONS

“The standing inquiry ensures that a suit presents a “case or controversy appropriate for the exercise of the courts’ judicial powers.”” (p. 10)

“Upon default, facts alleged in the complaint are deemed admitted and the appropriate inquiry is whether the facts as alleged state a claim.” (p. 13)

“To put it simply, making the bare assertion that Liedtke manages KD Homes is insufficient to establish her liability for any of the calls or texts without more information about who she actually managed.” (p. 17)

“Plaintiff cannot recover under Count I as section 227(c)(5) only provides the right of action, not the cause of action.” (p. 23)

“Plaintiff’s motion for default judgment, ECF No. 83, be GRANTED IN PART and DENIED IN PART;” (p. 34)

FACTUAL BACKGROUND

Plaintiff alleged that his wireless telephone number had been registered on the National Do-Not-Call Registry and that he received approximately 30 unsolicited calls and text messages promoting real-estate services. The communications were associated with Cova Home Realty, KD Homes VA LLC, and the Crush Real Estate Team. The court found that five solicitations made by Paolo Villaflor between September and December 2021 were sufficiently connected to KD Homes, but that the allegations did not sufficiently connect the other solicitations to KD Homes or any of the solicitations to Liedtke.

PROCEDURAL HISTORY

Laccinole filed an action in 2021 and amended his complaint twice, adding Liedtke and KD Homes. Liedtke and KD Homes failed to appear, and the Clerk entered their defaults under Federal Rule of Civil Procedure 55(a). After prior motions for default judgment were denied without prejudice, the court referred the renewed motion to the magistrate judge for a report and recommendation. Following a January 23, 2026 hearing at which plaintiff appeared and the defaulting defendants did not, the magistrate judge recommended granting default judgment in part and denying it in part.

DISPOSITION

CASES CITED

- Ryan v. Homecomings Financial Network, 253 F.3d 778, 780 (4th Cir. 2001)
- Foster v. Arletty 3 S.A.R.L., 278 F.3d 409, 414 (4th Cir. 2002)
- Armco, Inc. v. Penrod-Stauffer Building Systems, 733 F.2d 1087, 1087-89 (4th Cir. 1984)
- Guerra v. Minx Holdings Inc., No. 2:24cv375, 2025 WL 2803552, at *3 (E.D. Va. Sept. 8, 2025)
- Todman v. Mayor & City Council of Baltimore, 104 F.4th 479, 488 (4th Cir. 2024)
- Joe Hand Promotions, Inc. v. Citibars, Inc., No. 2:11-cv-58, 2012 WL 503212, at *1 (E.D. Va. Feb. 8, 2012)
- Public Interest Legal Foundation, Inc. v. Wooten, 164 F.4th 362, 365 (4th Cir. 2026)
- Pye v. United States, 269 F.3d 459, 466 (4th Cir. 2001)
- Friends of the Earth, Inc. v. Laidlaw Environmental Services, Inc., 528 U.S. 167, 180-81 (2000)
- Lexmark International, Inc. v. Static Control Components, Inc., 572 U.S. 118, 126 (2014)
- FDA v. R.J. Reynolds Vapor Co., 606 U.S. 226, 232 (2025)
- EMI April Music, Inc. v. White, 618 F. Supp. 2d 497, 505 (E.D. Va. 2009)
- Sentry Select Insurance Co. v. LBL Skysystems (U.S.A.) Inc., 486 F. Supp. 2d 496, 502 (E.D. Pa. 2007)
- JTH Tax, Inc. v. Grabert, 8 F. Supp. 3d 731, 736 (E.D. Va. 2014)
- Globalsantafe Corp. v. Globalsantafe.com, 250 F. Supp. 2d 610, 612 n.3 (E.D. Va. 2003)
- Anderson v. Foundation for Advancement, Education & Employment of American Indians, 155 F.3d 500, 505-06 (4th Cir. 1998)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Wynne v. Birach, No. 1:09cv15, 2009 WL 3672119, at *2 n.6 (E.D. Va. Nov. 3, 2009)
- Baltimore Line Handling Co. v. Brophy, 771 F. Supp. 2d 531, 544-45 (D. Md. 2011)
- Aaronson v. CHW Group, Inc., No. 1:18-cv-1533, 2019 WL 8953349, at *2-4 (E.D. Va. Apr. 15, 2019)
- Campbell-Ewald Co. v. Gomez, 577 U.S. 153, 168 (2016)
- Hodgin v. UTC Fire & Security Americas Corp., 885 F.3d 243, 252 (4th Cir. 2018)
- Clemens v. Consumer Solutions Center, No. 1:21-cv-1002, 2025 WL 2604494, at *6, *11-12 (E.D. Va. July 14, 2025)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 557 (2007)
- Alstom Power, Inc. v. Graham, No. 3:15-cv-174, 2016 WL 354754, at *2 (E.D. Va. Jan. 27, 2016)
- Bhutta v. DRM Construction Corp., No. 3:22cv288, 2023 WL 3901800, at *1 (E.D. Va. June 8, 2023)
- Krakauer v. Dish Network, LLC, 925 F.3d 643, 662-63 (4th Cir. 2019)
- eBay Inc. v. MercExchange, LLC, 547 U.S. 388, 391 (2006)
- De Simone v. Alfasigma USA, Inc., 847 F. App'x 174, 183-84 (4th Cir. 2021)
- Quesinberry v. Life Insurance Co., 987 F.2d 1017, 1031 (4th Cir. 1993)
- Thomas v. Arn, 474 U.S. 140 (1985)

- Carr v. Hutto, 737 F.2d 433 (4th Cir. 1984)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

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