

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Re/Max Ideal Properties, Inc.,

Civil No. 06-4843 (DWF/AJB)

Plaintiff,

**ORDER FOR ISSUANCE  
AND ENTRY OF DEFAULT  
JUDGMENT AND PERMANENT  
INJUNCTION**

v.

Ryan Alan Swanberg,

Defendant.

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Mark D. Larsen, Esq., Lindquist & Vennum PLLP, counsel for Plaintiff.

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This matter came before the Court on March 2, 2007, upon Plaintiff Re/Max Ideal Properties, Inc.'s, Motion for Issuance and Entry of Default Judgment and Permanent Injunction pursuant to Federal Rule of Civil Procedure 55(b), in that Defendant failed to serve an answer within twenty (20) days after service of the Summons and Complaint, or at any time thereafter.

Based upon the Court's review of Plaintiff's Complaint for Declaratory and Injunctive Relief, the Affidavit of Larry Frank, the Affidavit of Mark D. Larsen, and the Court's file, **THE COURT FINDS THAT:**

1. This matter comprises a case or actual controversy within the Court's jurisdiction, as required by the Declaratory Judgment Act, 28 U.S.C. § 2201.
2. Defendant Ryan Alan Swanberg has not answered or otherwise appeared in this action and has expressed no interest in participating in this case. Defendant

Ryan Alan Swanberg therefore is in default and a default against Defendant Ryan Alan Swanberg correctly has been entered by the Clerk of this Court.

3. Plaintiff Re/Max Ideal Properties, Inc. appropriately has given notice of its Motion for Issuance and Entry of Default Judgment and Permanent Injunction to Defendant Ryan Alan Swanberg notwithstanding Defendant's default status in this matter.

4. The Court credits the Affidavit of Larry Frank and finds that the allegations of Plaintiff's Complaint for Declaratory and Injunctive Relief are deemed true and correct; and

5. Absent a permanent injunction, Plaintiff will suffer irreparable harm based upon Defendant Ryan Alan Swanberg's activities, in that damages cannot adequately compensate Plaintiff for Defendant's conduct.

**IT THEREFORE IS HEREBY ORDERED** that:

1. Plaintiff's default judgment is issued and **GRANTED**.
2. The Court finds that Plaintiff is entitled to declaratory judgment against Defendant Ryan Alan Swanberg declaring that: (a) Plaintiff has not violated the Telephone Consumer Protection Act (47 U.S.C. § 227) (the "TCPA") or the TCPA's regulations, 47 C.F.R. § 64.1200(d); (b) Plaintiff is not subject to a requirement that it create or maintain a do-not-call list or policies with respect to do-not-call requests; (c) Plaintiff is not required to respond to Defendant Ryan Alan Swanberg's demands to be placed on a do-not-call list or receive a do-not-call policy from Plaintiff; (d) Defendant

Ryan Alan Swanberg holds no private right of action pursuant to the TCPA; and

(e) Defendant Ryan Alan Swanberg is not eligible for the payment of money pursuant to the TCPA or its regulations.

3. The Court further finds that Defendant Ryan Alan Swanberg is permanently enjoined against citing to or relying upon the TCPA or its regulations as grounds upon which to make demands, seek the payment of money or the compromise of any claims whatsoever.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 5, 2007

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court