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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Khanh Nguyen,

No. CV-23-00422-PHX-KML

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Plaintiff,

ORDER

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v.

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Embry Health of Arizona LLC, et al.,

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Defendants.

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On October 3, 2024, plaintiff Khanh Nguyen filed a motion for default judgment. That motion requests the court “enter a default judgment” against all defendants and “transfer the case to a magistrate judge to hold a hearing to decide damages.” (Doc. 52 at 6.) Rule 55(b)(2) provides a court “may conduct hearings or make referrals” when it needs to “determine the amount of damages.” Fed. R. Civ. P. 55(b)(2). The present record does not establish a hearing would be appropriate.

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“[A] default judgment for money may not be entered without a hearing unless the amount claimed is a liquidated sum or capable of mathematical calculation.” *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir. 1981). But “a ‘hearing’ under this rule need not include live testimony,” and “may instead rely on declarations submitted by the parties, so long as notice of the amount requested is provided to the defaulting party.” *Wecosign, Inc. v. IFG Holdings, Inc.*, 845 F. Supp. 2d 1072, 1079 (C.D. Cal. 2012). Depending on the needs of the case, “a court can rely on the declarations submitted by the plaintiff or order a full evidentiary hearing.” *Philip Morris USA, Inc. v. Castworld Prod., Inc.*, 219 F.R.D.

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1 494, 498 (C.D. Cal. 2003).

2 Nguyen’s current motion for default judgment does not make any effort to establish
3 the appropriate amount of damages. Instead of proceeding directly to an evidentiary
4 hearing, Nguyen must file a renewed motion for default judgment supported by evidence
5 establishing the amount of damages he is seeking. That evidence must include a detailed
6 declaration from Nguyen. The court will determine if an evidentiary hearing should be
7 scheduled after reviewing that evidence.

8 Accordingly,

9 **IT IS ORDERED** the Motion for Default Judgment (Doc. 52) is **DENIED**. No later
10 than **December 6, 2024**, plaintiff shall file a renewed motion for default judgment along
11 with evidence supporting the amount of damages plaintiff seeks.

12 Dated this 22nd day of November, 2024.

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16 **Honorable Krissa M. Lanham**
17 **United States District Judge**
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