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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,

Plaintiff,

v.

DONA SHORES,

Defendant.

No. 1:19-cv-01113-NONE-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT

(Doc. Nos. 14, 15)

Plaintiff National Union Fire Insurance Company of Pittsburgh, PA. filed the complaint in this action on June 3, 2020, alleging that Defendant Dona Shores fraudulently embezzled more than \$1.3 million from plaintiff's insured, the Visalia Public Cemetery District. (Doc. No. 1.) Defendant Shores is also currently facing related criminal charges in Tulare County Superior Court. (*See People v. Dona Shores*, VCF360063). After defendant failed to respond to the complaint in this civil action, default was entered by the clerk, and plaintiff filed a motion for default judgment, which was referred to the assigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (Doc. Nos. 10, 14.)

On June 3, 2020, the magistrate judge filed findings and recommendations, recommending that plaintiff's motion for default judgment be granted. The findings and recommendations were served on plaintiff and contained notice that any objections to the findings and recommendations

1 were to be filed within fourteen (14) days from the date of service.¹ The period for filing
2 objections has passed and no objections have been filed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
5 and recommendations to be supported by the record and by proper analysis.²

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations, filed June 3, 2020, (Doc. No. 15.) are
8 ADOPTED IN FULL;
- 9 2. Plaintiff's motion for default judgment, filed March 17, 2020 is GRANTED;
- 10 3. Default judgment is ENTERED in favor of Plaintiff Union Fire Insurance
11 Company of Pittsburgh, PA. and against Defendant Shores in the amount of
12 \$1,342,387.00 with post-judgment interest on the entire award from the date
13 judgment calculated at the applicable statutory rate;
- 14 4. The Clerk of the Court is DIRECTED to assign a district judge to this case for the
15 purpose of closing the case and to CLOSE THIS CASE; and
- 16 5. Plaintiff is directed to personally serve this order on defendant and provide a copy
17 of this order to defendant's attorney in the criminal case pending in state court.

18 IT IS SO ORDERED.

19 Dated: July 22, 2020

20 
UNITED STATES DISTRICT JUDGE

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24 ¹ Defendant's criminal defense attorney, Charles F. Magill, was also informed of this lawsuit and
25 provided a copy of the findings and recommendations. (Doc. No. 14-1 at ¶ 8; Doc. No. 17.)

26 ² The court notes that no party has requested entry of a stay of this civil action pending resolution
27 of the related criminal charges against defendant. In the absence of any appearance in this action
28 or participation by defendant, there is no basis to defer entry of default judgment. Should any
party believe reconsideration as to that issue is warranted, the Federal Rules of Civil Procedure
provide mechanisms for such a motion.