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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY,)	Case No.: 1:20-cv-1591 AWI JLT
Plaintiff,)	ORDER ADOPTING IN FULL THE FINDINGS
v.)	AND RECOMMENDATIONS GRANTING
)	PLAINTIFF'S MOTION FOR DEFAULT
GEORGE WASHINGTON, et al.,)	JUDGMENT
Defendants.)	(Docs. 17, 22)
)	
)	

American National Property and Casualty Company asserts that it was not obligated to defend or indemnify defendants George and Juanita Washington, or their business Kool Line Express, in a civil action pending in Kern County Superior Court. Because defendants failed to respond to the complaint, Plaintiff sought default judgement. (Doc. 17) The magistrate judge determined declaratory relief was appropriate in this action to resolve Plaintiff's obligations under the insurance policies issued to George and Juanita Washington. In addition, the magistrate judge found the factors set forth by the Ninth Circuit in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986) weighed in favor of the entry of default judgment. Therefore, the magistrate judge recommended the motion for default judgment be granted. (Doc. 22)

The parties were granted fourteen days from the date of service to file any objections to the recommendation of the Magistrate Judge. (Doc. 22 at 10) In addition, the parties were "advised that

1 failure to file objections within the specified time may waive the right to appeal the District Court's
2 order." (Id., citing Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Wilkerson v. Wheeler, 772 F.3d
3 834, 834 (9th Cir. 2014)) Thus, any objections were to be filed no later than June 23, 2021. To date,
4 no objections have been filed.

5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United
6 School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case.
7 Having carefully reviewed the matter, the Court finds the Findings and Recommendations are
8 supported by the record and proper analysis.

9 Based upon the foregoing, **IT IS HEREBY ORDERED:**

- 10 1. The Findings and Recommendations dated June 9, 2021 (Doc. 22) are **ADOPTED IN**
11 **FULL**;
- 12 2. Plaintiff's motion for default judgment (Doc. 17) is **GRANTED**;
- 13 3. The Court finds Plaintiff had no obligation under the Homeowners Policy or Rental-
14 Owners Policy to defend George Washington, Juanita Washington, or Kool Line
15 Express in the underlying state court action, Case No. BCV-19-102967;
- 16 4. The Court finds Plaintiff had no obligation under the Homeowners Policy or Rental-
17 Owners Policy to indemnify George Washington, Juanita Washington, or Kool Line
18 Express in the underlying state court action, Case No. BCV-19-102967;
- 19 5. Plaintiff is permitted to withdraw its defense of George Washington and Juanita
20 Washington in the underlying action; and
- 21 6. Plaintiff **SHALL** file any motion for reimbursement of fees and costs incurred within
22 30 days of the date of service of this Order.

23
24 IT IS SO ORDERED.

25 Dated: July 19, 2021


26 SENIOR DISTRICT JUDGE