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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VOLVO FINANCIAL SERVICES,

No. CIV S- 08-1041 MCE GGH

Plaintiff,

vs.

TRANSGURU, INC., et al.,

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Defendants.

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Plaintiff’s motion for entry of default judgment against defendants Transguru, Inc. and Jaspreet Sangha, filed March 4, 2009, was submitted on the record. Local Rule 78-230(h). Upon review of the motion and the supporting documents, and good cause appearing, the court issues the following findings and recommendations.<sup>1</sup>

BACKGROUND

On May 13, 2008, plaintiff filed the underlying complaint in this action against defendants Transguru, Inc. and Sangha, alleging defendants breached four loan agreements and personal guarantees for the finance and purchase of four Volvos. The summons and complaint

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<sup>1</sup> Plaintiff recently noticed the motion for hearing; however, the court finds that a hearing is not necessary.

1 were served by publication on both defendants, on October 3, 10, 17 and 24, 2009.<sup>2</sup> Fed. R. Civ.  
2 P. 4(e), 4(h); Cal. Code Civ. Proc. § 415.50. Pacific Atlantic Trading Co. v. M/V Main Express,  
3 758 F.2d 1325, 1331 (9th Cir. 1985) (default judgment void without personal jurisdiction).  
4 Defendants have failed to file an answer or otherwise appear in this action. On December 16,  
5 2008, the clerk entered default against defendants Transguru, Inc. and Sangha.

6 Plaintiff seeks an entry of default judgment in the amount of \$193,554.21. This  
7 amount is supported by the exhibits attached to the motion for default judgment.

#### 8 DISCUSSION

9 Entry of default effects an admission of all well-pleaded allegations of the  
10 complaint by the defaulted party. Geddes v. United Financial Group, 559 F.2d 557 (9th Cir.  
11 1977). The court finds the well pleaded allegations of the complaint state a claim for which  
12 relief can be granted. Anderson v. Air West, 542 F.2d 1090, 1093 (9th Cir. 1976). The  
13 memorandum of points and authorities and affidavits filed in support of the motion for entry of  
14 default judgment also support the finding that plaintiff is entitled to the relief requested. There  
15 are no policy considerations which preclude the entry of default judgment of the type requested.  
16 See Eitel v. McCool, 782 F.2d 1470, 1471-1472 (9th Cir. 1986).

#### 17 CONCLUSION

18 IT IS ORDERED that the hearing on plaintiff's motion for default judgment is  
19 vacated from the court's April 30, 2009 calendar.

20 In view of the foregoing findings, it is the RECOMMENDATION of this court  
21 that plaintiffs' motion for entry of default judgment be GRANTED. Judgment should be  
22 rendered in the amount of \$193,554.21. A proposed judgment has been lodged by plaintiff and is  
23 approved as to form and substance.

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26 <sup>2</sup> Service was ordered in this manner by the district court. Order, filed September 5,  
2008.

