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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	VOLVO FINANCIAL SERVICES, No. CIV S- 08-1041 MCE GGH
11	Plaintiff,
12	VS.
13	TRANSGURU, INC., et al., ORDER AND FINDINGS AND
14	RECOMMENDATIONS
15	Defendants.
16	/
17	Plaintiff's motion for entry of default judgment against defendants Transguru, Inc.
18	and Jaspreet Sangha, filed March 4, 2009, was submitted on the record. Local Rule 78-230(h).
19	Upon review of the motion and the supporting documents, and good cause appearing, the court
20	issues the following findings and recommendations. <sup>1</sup>
21	BACKGROUND
22	On May 13, 2008, plaintiff filed the underlying complaint in this action against
23	defendants Transguru, Inc. and Sangha, alleging defendants breached four loan agreements and
24	personal guarantees for the finance and purchase of four Volvos. The summons and complaint
25	<sup>1</sup> Plaintiff recently noticed the motion for hearing; however, the court finds that a hearing
26	is not necessary.
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were served by publication on both defendants, on October 3, 10, 17 and 24, 2009.<sup>2</sup> Fed. R. Civ. 1 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 amount is supported by the exhibits attached to the motion for default judgment.

DISCUSSION 8

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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 relief can be granted. Anderson v. Air West, 542 F.2d 1090, 1093 (9th Cir. 1976). The 12 13 memorandum of points and authorities and affidavits filed in support of the motion for entry of default judgment also support the finding that plaintiff is entitled to the relief requested. There 14 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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<sup>&</sup>lt;sup>2</sup> Service was ordered in this manner by the district court. Order, filed September 5, 2008.

1	These findings and recommendations are submitted to the Honorable Morrison
2	England, Jr., United States District Judge, pursuant to the provisions of Title 28 U.S.C. §
3	636(b)(l). Within ten days after being served with these findings and recommendations, any
4	party may file written objections with the court and serve a copy on all parties. Such a document
5	should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any
6	reply to the objections shall be served and filed within ten days after service of the objections.
7	The parties are advised that failure to file objections within the specified time may waive the
8	right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
9	DATED: 04/13/09
10	/s/ Gregory G. Hollows
11	GREGORY G. HOLLOWS UNITED STATES MAGISTRATE JUDGE
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