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

SCOTT JOHNSON,

Plaintiff,

No. CIV 10-1516 FCD KJM

vs.

LOAN HUYNH, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff's motion for default judgment was submitted on the papers. Upon review of the documents in support, no opposition having been filed, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

The complaint in this matter was served upon defendants on August 12, 2010. Compare Pacific Atlantic Trading Co. v. M/V Main Express, 758 F.2d 1325, 1331 (9th Cir. 1985) (default judgment void without personal jurisdiction). Defendants have not filed an answer. The clerk of the court entered default against defendants on October 14, 2010. Notice of the entry of default as well as plaintiff's present motion for entry of default judgment were served by mail on defendants at their last known address. Defendants filed no opposition to the motion for entry of default judgment.

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1 Entry of default effects an admission of all well-pleaded allegations of the
2 complaint by the defaulted party. Geddes v. United Financial Group, 559 F.2d 557 (9th Cir.
3 1977). Entry of default judgment is proper where, as in the present case, the facts established by
4 the default support the causes of action pled in the complaint. The complaint and the affidavit
5 and exhibits filed in support of the motion for entry of default judgment also support the finding
6 that plaintiff is entitled to the relief in the form of statutory damages and injunctive relief
7 requested in the prayer for default judgment, which does not differ in kind from the relief
8 requested in the complaint. Henry v. Sneiders, 490 F.2d 315, 317 (9th Cir.), cert. denied, 419
9 U.S. 832 (1974). There are no policy considerations that preclude the entry of default judgment
10 of the type requested. See Eitel v. McCool, 782 F.2d 1470, 1471-1472 (9th Cir. 1986) (listing
11 seven factors to be considered in determining entry of default judgment).

12 In view of the foregoing findings, it is the recommendation of this court that
13 plaintiffs' motion for entry of default judgment be GRANTED, that plaintiff be awarded \$8,000
14 in statutory damages, and that injunctive relief be granted requiring defendant to provide for a
15 properly configured van-accessible disabled parking space with an accessible route to an
16 accessible entrance for the rental/leasing office in accordance with the Americans with
17 Disabilities Act of 1990 (ADA) and the Americans with Disabilities Act Accessibility
18 Guidelines (ADAAG) contained in 28 C.F.R. Part 36.

19 These findings and recommendations are submitted to the United States District
20 Judge assigned to this action, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
21 fourteen days after being served with these findings and recommendations, any party may file
22 written objections with the court and serve a copy on all parties. Such a document should be
23 captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the
24 objections shall be served and filed within fourteen days after service of the objections. The

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1 parties are advised that failure to file objections within the specified time may waive the right to
2 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: December 18, 2010.

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6 U.S. MAGISTRATE JUDGE

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