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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PENN-STAR INSURANCE COMPANY,
INC.,

Plaintiff,

v.

GORSI BROTHERS FARM LABOR
SERVICE, et al.,

Defendants.

No. 2:23-cv-01663-DAD-CSK

ORDER ADOPTING FINDINGS AND
RECOMMENDATION AND GRANTING
PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT

(Doc. Nos. 35, 54)

On August 10, 2023, plaintiff Penn-Star Insurance Company, Inc., filed this civil action against defendants Gorski Brothers Farm Labor Service, Omer Daraz Gorski, Hernan Pavonordaz, Erika Vargas, Marie Gonzalez, Arsenio Nicolas Gonzalez, Jorge Andres Yanez-Perez, Amrit Kaur Kooner, and Narinder Kaur. (Doc. No. 1.)

On January 9, 2024, the Clerk of the Court entered default as to defendants Omer Daraz Gorski, Gorski Brothers Farm Labor Service, Narinder Kaur, Amrit Kaur Kooner, Hernan Pavonordaz because they were served with the summons and complaint and did not file a timely answer, responsive pleading, or otherwise appear in this action. (Doc. No. 27) On January 12, 2024, the Clerk of the Court entered default as to defendants Jorge Andres Yanez-Perez and Erika Vargas because they too were served with the summons and complaint and did not file a timely answer, responsive pleading, or otherwise appear in this action. (Doc. Nos. 28, 29.) Finally, on

1 February 15, 2024, the Clerk of the Court entered default as to defendant Arsenio Nicolas
2 Gonzalez because he also was served with the summons and complaint and did not file a timely
3 answer, responsive pleading, or otherwise appear in this action. (Doc. No. 33.) On April 22,
4 2024, plaintiff filed the pending motion for default judgment. (Doc. No. 35.) This matter was
5 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 and Local Rule 302.

6 On February 14, 2025, the assigned magistrate judge issued findings and
7 recommendations recommending that plaintiff's motion for default judgment be granted and that
8 this case be closed. (Doc. No. 54.) Specifically, the magistrate judge noted that in its complaint
9 plaintiff seeks only declaratory relief and recommended that the court make a finding that
10 plaintiff Penn-Star owes no duty to defend or indemnify the defendants in Sutter County Superior
11 Court cases: *Kooner, et. al. v. Gorski, et. al.*, case number CVCS21-0001098 and *Vargas, et. al. v.*
12 *Gorski Brothers Farm Labors Service, et. al.*, case number CVCS21-0001080. (*Id.* at 12.) The
13 findings and recommendations provided that any objections thereto were to be filed within
14 fourteen (14) days. (*Id.* at 13.) To date, no objections have been filed and the time for doing so
15 has now passed.

16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court conducted a *de*
17 *novo* review of the case. Having carefully reviewed the file, the court concludes that the findings
18 and recommendations are supported by the record and proper analysis.

19 Accordingly:

- 20 1. The Findings and Recommendations issued February 14, 2025 (Doc. No. 54) are
21 ADOPTED;
- 22 2. Plaintiff's motion for default judgment (Doc. No. 35) is GRANTED;
- 23 3. The Court finds that Penn-Star owes no duty to defend or indemnify Gorski
24 Brothers Farm Labor Service, Omer Daraz Gorski and Hernan Pavonordaz as to
25 claims brought by Erika Vargas, individually and as heir to Stephanie Marie
26 Gonzalez, Arsenio Nicolas Gonzalez, as heir to Stephanie Marie Gonzalez, Jorge
27 Andres Yanez-Perez, Amrit Kaur Kooner, and Narinder Kaur in Sutter County
28 Superior Court cases: *Kooner et. al. v. Gorski, et al.*, case number CVCS21-

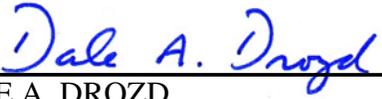
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0001098 and *Vargas, et al. v. Gorski Brothers Farm Labors Service, et al.*, case number CVCS21-0001080; and

4. The Clerk of the Court is directed to enter judgment in favor of plaintiff and close this case.

IT IS SO ORDERED.

Dated: March 11, 2025



DALE A. DROZD
UNITED STATES DISTRICT JUDGE