

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

TRUSTEES ON BEHALF OF TEAMSTERS  
BENEFIT TRUST,

Plaintiff,

v.

DAVID ARMAGOST and TINA  
ARMAGOST,

Defendants.

---

No. C 12-02587 JSW

**ORDER ADOPTING REPORT AND  
RECOMMENDATION RE  
PLAINTIFF'S MOTION FOR  
DEFAULT JUDGMENT**

This matter comes before the Court upon consideration of the Report and Recommendation ("Report") prepared by Magistrate Judge Maria-Elena James, in which she recommends that the Court grant Plaintiff's motion for default judgment. The deadline for filing objections to the Report has passed, and neither party has filed objections.

The Court has considered the Report, relevant legal authority, and the record in this case. The Court finds the Report thorough and well reasoned and adopts it in every respect. Accordingly, the Court grants Plaintiff's motion for default judgment. The Court enters default judgment as to Plaintiff's first claim for equitable restitution pursuant to ERISA, 29 U.S.C. § 1132(a)(3), and enters default against Defendants David and Tina Armagost in the amount of \$111,754.54 in damages, \$4,775.00 in attorneys' fees (comprised of 19.1 hours of attorney time at a rate of \$250 per hour), and \$1,825.23 in costs (all costs with the exception of online legal research fees).

1 The Court shall issue a separate judgment, and the Clerk shall close the file.

2 **IT IS SO ORDERED.**

3  
4 Dated: June 4, 2013

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28