

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KIRLIN BUILDERS, LLC,
Plaintiff,
v.
NORTH AMERICAN SPECIALTY
INSURANCE COMPANY,
Defendant.

Case No. 17-cv-00608-JST

**AMENDED ORDER ADOPTING
MAGISTRATE'S REPORT AND
RECOMMENDATION AND
GRANTING DEFAULT JUDGMENT**

Re: ECF Nos. 53, 66

The Court has reviewed Magistrate Judge Kandis Westmore's report and recommendation, ECF No. 66, to grant Defendant/Cross-Claimant North American Specialty Co.'s ("NAS") motion for default judgment against Cross-Defendants Selina Singh, Majindar Singh, Bara Infoware, Inc., and Federal Solutions Group, Inc. ECF No. 25. NAS served Cross-Defendants with the report on June 7, 2019. ECF No. 67. The period for objections has elapsed, and no objections were filed. *See* Fed. R. Civ. P. 72(b)(2).

The Court finds the report correct, well-reasoned, and thorough, and adopts it in every respect. The defaulting cross-defendants have never appeared in the case, and NAS's motion for default judgment in the form of damages is supported by the record. In particular, the Court concurs in Judge Westmore's assessment of the factors enumerated by the Ninth Circuit in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986). *See* ECF No. 66 at 6-9. The Court also agrees that an award of \$3.5 million, plus prejudgment interest at an annual rate of 10 percent and post-judgment interest calculated according to 28 U.S.C. § 1961, is warranted here. *Id.* at 9-11.

\\
\\
\\

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

Accordingly, the Court will enter judgment in those amounts in a separate document.

IT IS SO ORDERED.

Dated: August 13, 2019



JON S. TIGAR
United States District Judge