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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PAINTERS AND FLOORCOVERERS
JOINT COMMITTEE, et al,

Plaintiffs,

Case No. 2:13-cv-0146-APG-CWH

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

v.

BELLO, et al.,

Defendants.

On July 29, 2013, Magistrate Judge Hoffman entered his Report and Recommendation [Dkt. #35] recommending that Plaintiffs' Motion to Strike Defendant Committed Companies, LLC's Answer to Complaint and for Dispositive Sanctions be granted, that Defendant Committed Companies, LLC's Answer be stricken, and that default judgment be entered against Committed Companies, LLC. No objection has been filed to that Report and Recommendation. Thus, the Court is not obligated to conduct a de novo review of the Report and Recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)). Nevertheless, this Court has conducted a de novo review of the issues set forth in the Report and Recommendation.

1 Magistrate Judge Hoffman's Report and Recommendation sets forth the proper
2 legal analysis, and the factual basis, for striking the Answer and entering default.
3 Committed Companies, LLC was provided ample notice and opportunity to be heard
4 concerning the possibility and nature of sanctions against it. Judge Hoffman properly
5 evaluated the factors set forth in *Connecticut General Life Ins. Co. v. New Images of*
6 *Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007). Case-dispositive sanctions are
7 appropriate where four factors support them, or where at least three factors "strongly
8 support" them. See *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)
9 (citing *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)). Because four
10 factors support striking Defendant Committed Companies, LLC's Answer and entering
11 default against it, Judge Hoffman's recommendation for those sanctions is proper.

12 However, entry of Default Judgment is premature. If Plaintiff wants Default
13 Judgment, it must file a motion seeking that relief, in which it provides the proper
14 calculation of, and evidentiary support for, the amount of the requested judgment.
15 Therefore,

16 **IT IS HEREBY ORDERED** that Judge Hoffman's Report and Recommendation
17 [Dkt. #35] is accepted in full, except for the recommendation of entry of default judgment.

18 **IT IS FURTHER ORDERED** that Plaintiffs' Motion to Strike Defendant Committed
19 Companies, LLC's Answer to Complaint and for Dispositive Sanctions is granted, and
20 Defendant Committed Companies, LLC's Answer is stricken.

21 **IT IS FURTHER ORDERED** that default is entered against Committed
22 Companies, LLC.

23 **IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this
24 Order and Judge Hoffman's Report and Recommendation via certified mail to Defendant
25 Committed Companies, LLC's last known address:

26 Committed Companies, LLC
27 c/o Rachelle Payne
28 11 Clarendon Road
Belmont, MA 02478

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IT IS FURTHER ORDERED that Committed Companies, LLC shall have 14 days from the date of this Order in which to move to set aside this Order. Such motion shall include any objections it may have to the Report and Recommendation.

Dated: October 8, 2013.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE