

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

United States of America v. Duran Lopez Construction, LLC

Duran Lopez Construction · No. 2:25-cv-590 · Decided December 18, 2025

SUMMARY

The United States District Court for the Southern District of Ohio granted the United States’ motion for default judgment against Duran Lopez Construction, LLC. The court held the defendant liable for an unpaid civil penalty arising from violations of the Occupational Safety and Health Act and entered judgment totaling \$23,318.82, with post-judgment interest accruing under 28 U.S.C. § 1961.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Sarah D. Morrison
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	December 18, 2025
DOCKET	2:25-cv-590
DISPOSITION	other
PROCEDURAL POSTURE	The United States sued to collect civil penalties and related amounts arising from violations of the Occupational Safety and Health Act. After service, the defendant failed to answer, default was entered under Federal Rule of Civil Procedure 55(a), and the United States moved for default judgment under Rule 55(b).
STANDARD OF REVIEW	On a motion for default judgment, well-pleaded factual allegations are accepted as true for purposes of determining liability, but the court must determine whether those allegations state a claim for relief. Damages allegations are not ordinarily deemed admitted; a damages hearing is unnecessary when the amount is liquidated or ascertainable from definite documentary figures or detailed affidavits.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown

TOPICS

default judgment

default

occupational safety and health

damages

civil procedure

PRACTICE AREAS

occupational safety and health

construction law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether default judgment should be entered after the defendant failed to respond and default was entered.
2. Whether the well-pleaded allegations and supporting documentary evidence established the defendant's liability for enforcement of the civil penalty.
3. Whether the amount of damages was sufficiently definite to permit entry of default judgment without a damages hearing.

HOLDINGS

1. After entry of default, the court may enter default judgment when the complaint's well-pleaded allegations establish a viable claim for relief and the applicable Rule 55 requirements are satisfied.
2. A damages hearing is not required when the amount of damages is liquidated or can be ascertained from definite figures in documentary evidence or detailed affidavits.

KEY QUOTATIONS

“Once default is entered, the defaulting party is deemed to have admitted all of the well-pleaded allegations in the complaint regarding liability[.]” (Background)

“Although the well-pled factual allegations of a complaint are accepted as true for the purpose of determining liability, the Court must still determine whether those facts state a claim upon which relief may be granted.” (Discussion)

“those allegations relating to the amount of damages suffered are ordinarily not [accepted as true], and a judgment by default may not be entered without a hearing on damages unless the amount claimed is liquidated or capable of ascertainment from definite figures contained in the documentary evidence or in detailed affidavits.” (Discussion)

FACTUAL BACKGROUND

The Department of Labor issued a Citation and Notification of Penalty after investigating Duran Lopez Construction's operations in February 2021. The assessed penalties totaled \$16,091.00, and the company failed to pay within six months. After a demand for penalties, interest, and administrative costs, the company made a partial payment, leaving a principal balance of \$14,497.29; the total amount due as of May 13, 2025, was \$23,318.82.

PROCEDURAL HISTORY

The United States filed suit on May 28, 2025. Duran Lopez Construction was served on August 28, 2025, but failed to respond. The Clerk entered default on November 7, 2025. The court granted the United States' unopposed motion for default judgment and entered judgment for the claimed principal, interest, statutory penalty, and administrative fees.

DISPOSITION

other

CASES CITED

- Zinganything, LLC v. Import Store, 158 F. Supp. 3d 668 (N.D. Ohio 2016)
- J&J Sports Prods., Inc. v. Rodriguez, No. 1:08-cv-1350, 2008 WL 5083149 (N.D. Ohio Nov. 25, 2008)
- Brinager v. JAO Distribs., Inc., No. 1:14-cv-252, 2014 WL 3689147 (S.D. Ohio July 23, 2014)
- Dundee Cement Co. v. Howard Pipe & Concrete Prods., Inc., 722 F.2d 1319 (7th Cir. 1983)

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