

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Jenny, et al. v. Joseph Andrew Mollick

Jenny, et al. v. Mollick, No. 23-cv-05634-VC (N.D. Cal. Feb. 27, 2025) · No. 23-cv-05634-VC · Decided February 27, 2025

SUMMARY

The United States District Court for the Northern District of California adopted a report and recommendation and granted the plaintiffs' motion for default judgment against Joseph Andrew Mollick. The court entered judgment for the plaintiffs in the amount of \$2,133,776.64, consisting of liquidated damages, attorneys' fees, and litigation costs.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Vince Chhabria
JURISDICTION	United States District Court for the Northern District of California
DECIDED	February 27, 2025
DOCKET	23-cv-05634-VC
DISPOSITION	other
PROCEDURAL POSTURE	Order adopting a magistrate judge's report and recommendation and granting plaintiffs' motion for default judgment.
STANDARD OF REVIEW	The court considered whether default judgment was warranted under the Eitel v. McCool factors.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Jenny, et al. v. Joseph Andrew Mollick

TOPICS

- default judgment
- default
- damages
- attorney fees
- costs

PRACTICE AREAS

- Civil procedure
- Remedies

QUESTIONS PRESENTED

1. Whether default judgment should be entered against Mollick under the Eitel factors.
2. What amount of damages, attorneys' fees, and litigation costs should be awarded to plaintiffs.

HOLDINGS

1. Default judgment should be entered against Mollick because, after being given additional time to respond, he did not present an argument why judgment should not be entered under the Eitel factors.
2. Plaintiffs are entitled to a judgment totaling \$2,133,776.64, consisting of \$2,100,000 in liquidated damages, \$32,170 in attorneys' fees, and \$1,606.64 in litigation costs.

KEY QUOTATIONS

“Accordingly, the Motion for Default Judgment is GRANTED.”

FACTUAL BACKGROUND

Fourteen plaintiffs sought default judgment against Joseph Andrew Mollick. The opinion states that Mollick did not make an argument why default judgment should not be entered, despite being given additional time to respond. The court awarded \$2,100,000 in liquidated damages, \$32,170 in attorneys' fees, and \$1,606.64 in litigation costs, for a total of \$2,133,776.64.

PROCEDURAL HISTORY

The court initially adopted the report and recommendation recommending default judgment, then vacated that adoption to give Mollick additional time to respond. Mollick sent several letters requesting further delay but did not present an argument against default judgment under the Eitel factors. The court adopted the report and recommendation, granted the motion, and ordered judgment for plaintiffs.

DISPOSITION

other

CASES CITED

- Eitel v. McCool, 782 F.2d 1470 (9th Cir. 1986)

OPINION

Jenny v. Mollick

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JENNY, et al., Case No. 23-cv-05634-VC Plaintiffs,

ORDER ADOPTING REPORT AND

Vv. RECOMMENDATIONS FOR MOTION

FOR DEFAULT JUDGMENT

JOSEPH ANDREW MOLLICK,

Re: Dkt. No. 29 Defendant. The Court adopts Judge Alex G. Tse's Report and Recommendation Re: Plaintiff's Motion for Default Judgment. The Court initially vacated its adoption of this Report to allow Mollick more time to respond to the motion for default judgment. See Dkt. No. 32. Since then, Mollick has sent several letters asking the Court to further delay proceedings, but he has not made any argument why default judgment should not be entered against him under the Eitel v. McCool factors. 782 F.2d 1470 (9th Cir. 1986). Accordingly, the Motion for Default Judgment is GRANTED. Judgment will be entered against the defendant and for the plaintiffs in the amount of \$2,133,776.64—a sum consisting of \$2,100,000 in liquidated damages (\$150,000 for each of the fourteen plaintiffs), \$32,170 in attorneys' fees, and \$1,606.64 in litigation costs. IT IS SO ORDERED. Dated: February 27, 2025 =

VINCE CHHABRIA

United States District Judge