

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION

Morrison v. Grinsell

Morrison · No. CV-24-34-BLG-DWM · Decided February 26, 2026

SUMMARY

The United States District Court for the District of Montana enters default judgment for Plaintiff James Morrison against Defendant John Grinsell after Grinsell failed to appear. Although Morrison did not adequately address damages or the Eitel factors as ordered, the court independently assessed those factors and awarded \$5,000 for the alleged violation of Morrison’s constitutional rights.

CASE DETAILS

COURT	United States District Court for the District of Montana, Billings Division
WRITING FOR THE COURT	Donald W. Molloy
JURISDICTION	United States District Court for the District of Montana, Billings Division
DECIDED	February 26, 2026
DOCKET	CV-24-34-BLG-DWM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for entry of default judgment after default had been entered against Defendant. The court had repeatedly directed Plaintiff to provide an evidentiary basis for his damages and to address the Eitel factors. Plaintiff's filings remained deficient, but the court assessed the factors independently and entered default judgment.
STANDARD OF REVIEW	The court independently assessed the Eitel factors governing entry of default judgment and considered whether dismissal for failure to comply with court orders was warranted under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	James Morrison v. John Grinsell

TOPICS

default judgment

default

civil procedure

civil rights

damages

PRACTICE AREAS

civil procedure

default judgment

civil rights

remedies

QUESTIONS PRESENTED

1. Whether default judgment should be entered after the defendant failed to appear and the plaintiff failed to comply adequately with repeated orders addressing the Eitel factors and damages.
2. Whether the plaintiff was entitled to the \$100,000 in damages alleged in the complaint without an evidentiary basis supporting that amount.
3. Whether the court should dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders.

HOLDINGS

1. The court entered default judgment because the Eitel factors supported relief despite Morrison's failure to comply with repeated orders requiring discussion of those factors.
2. A plaintiff seeking default judgment must provide an evidentiary basis for the damages sought; merely labeling a damages figure in the complaint as a sum certain is insufficient.
3. Although Morrison's failure to comply with the court's orders made the matter subject to dismissal under Rule 41(b), the court declined to dismiss and instead entered default judgment.

KEY QUOTATIONS

"It is not enough to pick a number out of the air in the Complaint and claim that it is a "sum certain." (at 1)

"Accordingly, based on consideration of the Eitel factors, default judgment is entered to compensate Morrison for the alleged violation of his rights." (at 2)

"Based on the foregoing, IT IS ORDERED that default judgment is entered in favor of Morrison and against Grinsell in the amount of \$5,000." (at 2)

FACTUAL BACKGROUND

Morrison alleged that Grinsell caused him to be arrested, jailed, and charged based on personal animosity, and that the charges were later dropped. Grinsell failed to appear or defend the action, resulting in entry of default. Morrison sought \$100,000 but provided no evidentiary explanation or documentation showing how he calculated that amount.

PROCEDURAL HISTORY

Default was entered against Grinsell on November 25, 2024. After multiple extensions and prior deficient filings, Morrison submitted a second brief and affidavit supporting default judgment. The court found that Morrison failed to comply with its orders and that the case could be dismissed under Federal Rule of Civil

Procedure 41(b), but concluded that Grinsell's failure to respond could not be overlooked. The court therefore assessed the Eitel factors and entered judgment for Morrison in the amount of \$5,000, directing the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- Cement & Concrete Workers Dist. Council Welfare Fund v. Metro Found. Conitrs. Inc., 699 F.3d 230, 234 (2d Cir. 2012)
- Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977)

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