

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Jamal Jaber v. Christian McGowan

25-CV-0782-MAV · No. 25-CV-0782-MAV · Decided June 1, 2026

SUMMARY

The United States District Court for the Western District of New York grants Plaintiff Jamal Jaber’s motion for default judgment against Defendant Christian McGowan arising from injuries caused by a boat propeller on Chautauqua Lake. The Court finds that jurisdictional and procedural requirements were satisfied and that the well-pleaded allegations establish liability under New York Navigation Law § 48. It awards \$750,000 for past pain and suffering and \$750,000 for future pain and suffering, for a total of \$1,500,000.

CASE DETAILS

COURT	United States District Court for the Western District of New York
JURISDICTION	United States District Court for the Western District of New York
DECIDED	June 1, 2026
DOCKET	25-CV-0782-MAV
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after Defendant failed to answer or otherwise appear, and after the Clerk entered default.
STANDARD OF REVIEW	On a motion for default judgment, the court determines whether jurisdictional requirements and Rule 55 procedures have been satisfied, whether the well-pleaded allegations establish liability as a matter of law, and whether there is an evidentiary basis for damages. The court also considers whether there is good cause to set aside the entry of default under Federal Rule of Civil Procedure 55(c).
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court decision

TOPICS

- default judgment
- default
- negligence
- personal injury
- civil procedure

PRACTICE AREAS

- civil procedure
- torts
- admiralty

QUESTIONS PRESENTED

1. Whether default judgment should be entered despite Defendant's failure to appear, including whether there was good cause to set aside the entry of default.
2. Whether the court had subject matter jurisdiction based on diversity of citizenship and the amount in controversy.
3. Whether Plaintiff's well-pleaded allegations established Defendant's liability under New York Navigation Law § 48.
4. Whether Plaintiff submitted a sufficient evidentiary basis for an award of damages without an evidentiary hearing.
5. What amount of damages was reasonable for Plaintiff's past and future pain and suffering.

HOLDINGS

1. A Clerk's entry of default does not entitle a plaintiff to default judgment as a matter of right; the court must independently evaluate jurisdiction, procedural compliance, liability, and damages.
2. There was no good cause under Federal Rule of Civil Procedure 55(c) to set aside the entry of default because Defendant's failure to appear after personal service was willful, Plaintiff was prejudiced by the inability to conduct discovery, and Defendant presented no meritorious defense.
3. The court had diversity jurisdiction because Plaintiff alleged that he was a Florida citizen and resident, Defendant was a New York citizen and resident, and the amount in controversy exceeded \$75,000.
4. Plaintiff complied with the two-step Rule 55 process by obtaining an entry of default before moving for default judgment.
5. The complaint's well-pleaded allegations established Defendant's liability as a matter of law under New York Navigation Law § 48 because Defendant owned the vessel, it was operated with his express or implied permission, and Plaintiff was injured through negligent operation.
6. The court could determine damages without an evidentiary hearing because Plaintiff submitted detailed declarations, medical records and exhibits, expert medical evidence, and comparable-award research, and Defendant did not contest the submissions.
7. An award of \$750,000 for past pain and suffering and \$750,000 for future pain and suffering, totaling \$1,500,000, was reasonable.

KEY QUOTATIONS

“A clerk’s entry of default does not lead to default judgment as a matter of right.” (Discussion)

“Although the ‘court must ensure that there is a basis for the damages specified in a default judgment, it may, but need not, make the determination through a hearing.’” (Damages)

FACTUAL BACKGROUND

On July 27, 2024, Plaintiff was struck by the moving propeller of Defendant's boat on Chautauqua Lake in New York while preparing to go tubing. Plaintiff suffered severe injuries to his left leg, including fractures, deep

lacerations, nerve damage, infection, permanent foot drop, chronic pain, and loss of recreational activities. He required hospitalization, multiple surgeries, blood transfusions, physical therapy, and anticipated future procedures.

PROCEDURAL HISTORY

Plaintiff filed the action on August 25, 2025. Defendant was personally served but did not appear or answer. The Clerk entered default on December 5, 2025, and Plaintiff then moved for default judgment. After oral argument at which only Plaintiff appeared, the court granted the motion and directed entry of judgment for \$1,500,000.

DISPOSITION

other

CASES CITED

- Shah v. N.Y. State Department of Civil Services, 168 F.3d 610, 615 (2d Cir. 1999)
- Miller v. County of Erie, No. 17-CV-00928W(F), 2019 WL 1244196, at *3 (W.D.N.Y. Feb. 27, 2019)
- Roberts v. Keith, 2007 WL 2712853, at *2 (S.D.N.Y. Sept. 18, 2007)
- Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 96, 98 (2d Cir. 1993)
- Wilmington Savings Fund Society, FSB as trustee of Aspen Holdings Trust v. Fernandez, 712 F. Supp. 3d 324, 330 (E.D.N.Y. 2024)
- Cement & Concrete Workers District Council Welfare Fund v. Metro Foundation Contractors, Inc., 699 F.3d 230, 234 (2d Cir. 2012)
- Weitsman v. Levesque, 2018 WL 1990218, at *2 (N.D.N.Y. Apr. 25, 2018)
- Niepoth v. Montgomery County District Attorney's Office, 177 F.R.D. 111, 112 (N.D.N.Y. 1998)
- Van Wade v. Nitti, 720 F. Supp. 3d 219, 229 (W.D.N.Y. 2024)
- Herrick Co., Inc. v. SCS Communications, Inc., 251 F.3d 315, 322-23 (2d Cir. 2001)
- Priestly v. Headminder, Inc., 647 F.3d 497, 504-05 (2d Cir. 2011)
- Greyhound Exhibitgroup, Inc. v. E.L.U.L. Realty Corp., 973 F.2d 155, 158 (2d Cir. 1992)
- Sky Vapors, LLC v. Blazynski, 2018 WL 6696995, at *2 (W.D.N.Y. Dec. 20, 2018)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Furey v. United States, 458 F. Supp. 2d 48, 56 (N.D.N.Y. 2006)
- McAdams v. United States, No. 04-CV-6541, 2006 WL 1738028, at *8 (S.D.N.Y. June 22, 2006)
- Mastrantuono v. United States, 163 F. Supp. 2d 244, 258 (S.D.N.Y. 2001)
- Oncay v. Inflasafe USA, Inc., No. 8:19CV1428GTSCFH, 2021 WL 6202686, at *38 (N.D.N.Y. Oct. 20, 2021)
- Liberty Mutual Insurance Co. v. Fast Lane Car Service, Inc., 681 F. Supp. 2d 340, 349 (E.D.N.Y. 2010)
- Levesque v. Kelly Communications, Inc., No. 91 CV 7045, 1993 WL 221138, at *4 (S.D.N.Y. Jan. 25, 1993)
- Flaks v. Koegel, 504 F.2d 702, 707 (2d Cir. 1974)
- Velasquez v. United States Postal Service, 155 F. Supp. 3d 218, 230-31 (E.D.N.Y. 2016)

- *Howse v. Kent Worldwide Machine Works, Inc.*, No. 02 CIV 2810 RMB KNF, 2010 WL 11607350, at *6 (S.D.N.Y. June 18, 2010)

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