

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Nautilus Insurance Company v. Nulife Mulholland, LLC

Nautilus · No. CV 23-00126-FMO (AGRx) · Decided March 3, 2023

SUMMARY

The United States District Court for the Central District of California ordered Nautilus Insurance Company to file and serve a motion for default judgment after defaults were entered against three defendants. The order specifies required contents for the motion, including procedural history, compliance with Local Rule 55-1, the Eitel factors, applicable causes of action, and substantiation of damages and attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 3, 2023
DOCKET	CV 23-00126-FMO (AGRx)
DISPOSITION	other
PROCEDURAL POSTURE	After the Clerk entered default against three defendants, the court issued an order directing plaintiff to file and serve a motion for default judgment by a specified deadline and setting requirements for that motion.
PRECEDENTIAL VALUE	Nonprecedential procedural order

TOPICS

- default judgment
- default
- civil procedure
- damages
- attorney fees

PRACTICE AREAS

- civil procedure
- insurance
- remedies

QUESTIONS PRESENTED

1. What requirements must plaintiff satisfy in moving for default judgment after entry of default?

2. What consequences may follow if plaintiff fails to timely file the motion or fails to provide sufficient legal, factual, and evidentiary support for the requested relief?

HOLDINGS

1. After entry of default, plaintiff must timely file and serve a motion for default judgment addressing the action's procedural history, Local Rule 55-1, the Eitel factors, the elements of the causes of action, and the legal and factual bases for any damages and attorney's fees sought, supported by detailed calculations and admissible evidence.
2. Failure to timely file the default-judgment motion, comply with the order's requirements, or provide sufficient information to decide entitlement or damages may result in denial of the motion and/or dismissal of the action for failure to prosecute or comply with a court order.

KEY QUOTATIONS

“Plaintiff shall file and serve a motion for default judgment no later than March 17, 2023, and notice it for hearing pursuant to the Local Rules.” (Page 1)

“Failure to include a request for a particular type of relief shall result in the denial of the relief omitted from the moving papers.” (Page 1)

FACTUAL BACKGROUND

The Clerk entered default against Nulife Wellness Group, LLC, Nulife Recovery, LLC, and Nulife Mulholland, LLC on March 2, 2023. Plaintiff sought to pursue default judgment and indicated that it might seek damages, injunctive relief, and attorney's fees. The court required plaintiff to support any future motion with legal authority, admissible evidence, and detailed calculations.

PROCEDURAL HISTORY

Plaintiff brought this civil action against Nulife Mulholland, LLC and related entities. On March 2, 2023, the Clerk entered default against Nulife Wellness Group, LLC, Nulife Recovery, LLC, and Nulife Mulholland, LLC. The court then ordered plaintiff to file and serve a motion for default judgment by March 17, 2023, and warned that failure to comply could result in denial of the motion or dismissal for failure to prosecute or comply with a court order.

DISPOSITION

other

CASES CITED

- Eitel v. McCool, 782 F.2d 1470 (9th Cir. 1986)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

Case 2:23-cv-00126-FMO-AGR Document 28 Filed 03/03/23 Page 1 of 1 Page ID #:191 UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. CV 23-00126-FMO (AGRx) Date March 3, 2023 Title Nautilus Insurance Company v. Nulife Mulholland, LLC et al Present: The Honorable Fernando M. Olguin, United States District Judge Gabriela Garcia None None Deputy Clerk Court Reporter / Recorder Tape No. Attorney Present for Plaintiff(s): Attorney Present for Defendant(s): None Present None Present Proceedings: (In Chambers) Order Re: Further Proceedings On March 2, 2023, the Clerk entered default as to Nulife Wellness Group, LLC, Nulife Recovery, LLC and Nulife Mulholland, LLC. Accordingly, IT IS ORDERED THAT: 1.

Plaintiff shall file and serve a motion for default judgment no later than March 17, 2023, and notice it for hearing pursuant to the Local Rules. The motion shall include all types of relief plaintiff seeks, i.e., damages, injunctive relief and attorney's fees. Failure to include a request for a particular type of relief shall result in the denial of the relief omitted from the moving papers.

At a minimum, plaintiff's motion shall address: (a) procedural history of the action, (b) the requirements set forth in Local Rule 55-1; (c) the default judgment factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986); (d) the legal authority that sets out the elements of the causes of action upon which plaintiff seeks default judgment;¹ and (e) the legal and factual basis – with specific citations to statutes and case law – for its damages calculations and attorney's fees claims.

The damages calculations must be supported by detailed, clear, and thorough calculations, and cite to the underlying admissible evidence, such as contracts, spreadsheets, and declarations. Plaintiff's motion must include the calculations within the text of the memorandum of points and authorities and, if appropriate, include a separate table or chart entitled, "Calculations Summary." ²

Plaintiff is advised that failure to file the motion for default judgment by the deadline set forth above or comply with the requirements set forth in this Order and/or to provide sufficient information for the court to make a determination as to any issue or damages calculation, may result in the motion being denied and/or the action against defendant being dismissed for failure to prosecute and/or to comply with a court order.

See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). Initials of Preparer gga 1 Plaintiff should consider the number of claims upon which it seeks default judgment. To the extent the relief plaintiff seeks can be obtained under one claim, it is not necessary – and may only delay – to seek default judgment as to the other claims in the operative complaint.

