

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Keith Tappe v. Instrulink LLC, et al.

Tappe · No. CV-25-03122-PHX-KML · Decided April 21, 2026

SUMMARY

The United States District Court for the District of Arizona granted Keith Tappe’s motion for default judgment against Instrulink LLC, William Robert Doenges, and Judith Ann Doenges in an unpaid-wages action. The court awarded \$2,925 against Instrulink LLC, with \$1,587.60 of that amount imposed jointly and severally against all three defendants under Arizona wage laws.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 21, 2026
DOCKET	CV-25-03122-PHX-KML
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought default judgment after defendants were served, failed to appear, and had defaults entered.
STANDARD OF REVIEW	The court applied the seven-factor Eitel framework to determine whether default judgment was appropriate and required the plaintiff to prove the amount of damages.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Keith Tappe v. Instrulink LLC, William Robert Doenges, Judith Ann Doenges

TOPICS

- default judgment
- default
- wage and hour
- civil procedure
- remedies

PRACTICE AREAS

- employment law
- wage and hour
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether default judgment should be entered under the seven Eitel factors.
2. Whether the complaint sufficiently stated federal and Arizona wage claims for purposes of default judgment.
3. What amount of damages should be awarded and which defendants are liable for those damages under the Arizona Minimum Wage Act and Arizona Wage Act.

HOLDINGS

1. Default judgment is appropriate because the Eitel factors, considered together, favor entry of judgment.
2. The complaint contained sufficient factual allegations, accepted as true for purposes of default judgment, to state claims under federal and Arizona wage law.
3. The requested \$2,925 in trebled unpaid regular wages was proportional to the harm and did not weigh against default judgment.
4. Instrulink LLC was liable for \$2,925 in trebled unpaid wages, and Instrulink LLC, William Robert Doenges, and Judith Ann Doenges were jointly and severally liable for \$1,587.60 in trebled Arizona minimum wages.

KEY QUOTATIONS

“Viewed together, the seven factors establish default judgment is appropriate.” (at 3)

“The Clerk of Court shall enter a judgment of \$2,925 against defendant Instrulink LLC.” (at 4)

FACTUAL BACKGROUND

Tappe performed manual labor related to industrial plumbing for the defendants from approximately June 23, 2025, through July 18, 2025. For his final workweek, the defendants agreed to pay him \$325 per day, and he worked three approximately twelve-hour shifts but received no payment. The court determined that he was owed \$529.20 in Arizona minimum wages and \$975 in unpaid wages, with statutory trebling producing awards of \$1,587.60 and \$2,925, respectively.

PROCEDURAL HISTORY

Keith Tappe filed suit seeking unpaid wages under federal and Arizona law. Defendants were served but did not appear, and the clerk entered their defaults. Tappe moved for default judgment, which the court granted and ordered the Clerk to enter judgment and close the case.

DISPOSITION

other

CASES CITED

- Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1177 (C.D. Cal. 2002)

- Vietnam Reform Party v. Viet Tan - Vietnam Reform Party, 416 F. Supp. 3d 948, 962 (N.D. Cal. 2019)
- Landstar Ranger, Inc. v. Parth Enterprises, Inc., 725 F. Supp. 2d 916, 921 (C.D. Cal. 2010)
- Curtis v. Illumination Arts, Inc., 33 F. Supp. 3d 1200, 1212 (W.D. Wash. 2014)
- Shanghai Automation Instrument Co. v. Kuei, 194 F. Supp. 2d 995, 1005 (N.D. Cal. 2001)
- Blumenthal Distrib., Inc. v. Comoch Inc., 652 F. Supp. 3d 1117, 1131 (C.D. Cal. 2023)
- Rosen v. Fasttrak Foods LLC, No. CV-19-05292-PHX-DWL, 2021 WL 2981590, at *5 (D. Ariz. July 15, 2021)

OPINION

Tappe

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Keith Tappe, No. CV-25-03122-PHX-KML 10 Plaintiff, ORDER 11 v. 12 Instrulink LLC, et
al., 13 Defendants. 14 15 Plaintiff Keith Tappe filed this suit to recover unpaid wages. (Doc. 1.)
Defendants 16 were served but did not appear and their defaults were entered. (Docs. 6-8, 10.)
Plaintiff 17 now seeks default judgment. (Doc. 12.) 18 The court must consider seven factors when
deciding whether to enter default 19 judgment. Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir.
1986). The seven factors are: 20 (1) the possibility of prejudice to the plaintiff, (2) the merits of
plaintiff’s substantive claim, (3) the sufficiency of the complaint, (4) the sum of money 21 at stake
in the action; (5) the possibility of a dispute concerning material facts; (6) whether the default was
due to excusable neglect, and (7) the strong 22 policy underlying the Federal Rules of Civil
Procedure favoring decisions on the merits. 23 24 Id. These factors establish default judgment is
appropriate. 25 1. Possibility of Prejudice 26 The first factor regarding the possibility of prejudice
to plaintiff supports entry of 27 default judgment because if “default judgment is not granted,
plaintiff[] will likely be 28 without other recourse for recovery.” PepsiCo, Inc. v. Cal. Sec. Cans,
238 F. Supp. 2d 1 1172, 1177 (C.D. Cal. 2002). 2 2. Merits of the Claims and Sufficiency of the
Complaint 3 The second and third factors require assessing the merits of plaintiff’s claims and 4
the sufficiency of his complaint. These factors “are often analyzed together and require 5 courts to
consider whether a plaintiff has state[d] a claim on which [he] may recover.” 6 Vietnam Reform
Party v. Viet Tan - Vietnam Reform Party, 416 F. Supp. 3d 948, 962 (N.D.
7 Cal. 2019).

8 Defendant Instrulink LLC is an “industrial plumbing company.” (Doc. 1 at 3.) 9 Defendants
William Robert Doenges and Judith Ann Doenges are the owners of Instrulink. 10 (Doc. 1 at 4.)
From the week of June 23, 2025, to July 18, 2025, plaintiff worked for 11 defendants “performing
manual labor related to industrial plumbing.” (Doc. 1 at 6-7.) For 12 his final workweek,
defendants agreed to compensate plaintiff \$325 per day. (Doc. 1 at 7.) 13 That week plaintiff

worked three shifts of approximately 12 hours. (Doc. 12-1 at 3.) Based on his rate of pay, plaintiff should have been paid \$975.00. Because defendants did not pay plaintiff anything for his final workweek (Doc. 1 at 7), plaintiff alleges claims under federal and state law for unpaid wages. The complaint contains sufficient factual allegations, accepted as true, to state claims under federal and state law. The second and third default judgment factors support entry of default judgment. 3. Amount in Controversy The fourth default judgment factor “requires that the court assess whether the recovery sought is proportional to the harm caused by defendant’s conduct.” *Landstar Ranger, Inc. v. Parth Enterprises, Inc.*, 725 F. Supp. 2d 916, 921 (C.D. Cal. 2010). When a large sum is at stake, this factor may weigh against default judgment. *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1212 (W.D. Wash. 2014). Plaintiff seeks to recover \$2,925, representing “fully trebled, unpaid regular wage damages.” (Doc. 12-1 at 4.) That amount is calculated from the wages owed to plaintiff and the additions permitted by law. The amount therefore is proportional to the harm caused by defendants’ conduct and this factor supports entry of default judgment. 4. Dispute Over Material Facts The fifth factor is whether there are any disputes over material facts. Defendants’ decision not to respond to the complaint means there are no such disputes. This factor supports entry of default judgment. 5. Excusable Neglect Defendants were served but chose not to participate. There is no indication defendants’ behavior is due to excusable neglect. See *Shanghai Automation Instrument Co. v. Kuei*, 194 F. Supp. 2d 995, 1005 (N.D. Cal. 2001) (defendants’ failure to respond to complaint could not “be attributable to excusable neglect” because “[a]ll were properly served with the Complaint, the notice of entry of default, as well as the papers in support of the instant motion.”). This factor supports entry of default judgment. 6. Policy Favoring Decisions on the Merits The seventh factor recognizes a preference for resolving matters on their merits. This factor, as always, weighs against entry of default judgment. “However, the mere existence of Fed.R.Civ.P. 55(b) indicates that this preference, standing alone, is not dispositive.” *PepsiCo*, 238 F. Supp. 2d at 1177 (simplified). 7. Default Judgment is Merited Viewed together, the seven factors establish default judgment is appropriate. The final issue is the appropriate amount of damages. 8. Damages It is plaintiff’s burden to prove the amount of his damages. *Blumenthal Distrib., Inc. v. Comoch Inc.*, 652 F. Supp. 3d 1117, 1131 (C.D. Cal. 2023). For purposes of Arizona’s minimum wage law, plaintiff is owed \$529.20 (\$14.70 multiplied by 36 hours).¹ Arizona law provides that plaintiff’s \$529.20 in unpaid minimum wages should be trebled to \$1,587.60. A.R.S. § 23-364(G). Arizona law separately provides that plaintiff’s unpaid wages of \$975 should be trebled to \$2,925. A.R.S. § 23-355(A). 1 The federal minimum wage is lower so it can be ignored. 1 The Arizona Wage Act (“AWA”), A.R.S. § 23-350(3), defines “employer” “much more narrowly” than the Arizona Minimum Wage Act (“AMWAY”). *Rosen v. Fasttrak Foods LLC*, No. CV-19-05292-PHX-DWL, 2021 WL 2981590, at *5 (D. Ariz. July 15, 2021). The AWA’s more narrow definition of “employer” does not “authorize individual liability against the owners, officers, and directors of a corporate employer in

a case where 6 || the claim is for the employer's wholesale failure to pay wages." /d. This means
□□□□□□□□□□ 7 || damages under the AWA can be assessed only against the limited liability
companies. By 8 || contrast, plaintiff's damages under the AMWA can be assessed against all
defendants. The 9|| total damages are apportioned as follows: 10 e Instrulink LLC is liable for
\$2,925; and 11 e Instrulink LLC, William Robert Doenges, and Judith Ann Doenges are 12 jointly
and severally liable for \$1,587.60. 13 Accordingly, 14 IT IS ORDERED the Motion for Default
Judgment (Doc. 12) is GRANTED. The |) Clerk of Court shall enter a judgment of \$2,925 against
defendant Instrulink LLC. That judgment shall also reflect \$1,587.60 of the \$2,925 is entered
against Instrulink LLC, || William Robert Doenges, and Judith Ann Doenges jointly and severally.
The Clerk of 18 || Court shall close this case. 19 Dated this 21st day of April, 2026. 20 Honorable
Krissa M. Lanham 23 United States District Judge 24 25 26 27 28 -4-