

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Carly Randall v. Clint Im; The Bottling Co., LLC; Relief Brand LLC; CBD Direct LLC; OHC LLC; and Industry Supply LLC

Randall · No. 3:23-cv-00243-AR · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Oregon adopts a magistrate judge’s Findings and Recommendation and grants in part and denies in part Plaintiff Carly Randall’s motion for default judgment. The court holds that Defendant Clint Im, having been in default and not moved to set aside the default, could not participate in the case, and finds that Plaintiff sufficiently established entitlement to Oregon penalty wages for willfully unpaid wages.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Amy M. Baggio
JURISDICTION	United States District Court for the District of Oregon
DECIDED	January 21, 2026
DOCKET	3:23-cv-00243-AR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Findings and Recommendation concerning Plaintiff's motion for default judgment after Defendant Clint Im filed objections despite having previously been entered into default.
STANDARD OF REVIEW	The court reviewed the legal principles de novo but held that, because Defendant Im's default barred him from participating and he had not moved to set aside the default, the court was relieved of an obligation to conduct de novo review of the portions of the Findings and Recommendation to which he purportedly objected.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

civil procedure

employment law

wage and hour

remedies

QUESTIONS PRESENTED

1. Whether a defendant who has been entered into default and has not moved to set aside the default may participate by filing objections to a magistrate judge's Findings and Recommendation.
2. Whether Plaintiff sufficiently established entitlement to penalty wages under Oregon Revised Statutes §§ 652.140(1) and 652.150(1) based on Defendants' willful failure to pay earned and unpaid wages at termination.

HOLDINGS

1. A defendant who has been entered into default is generally precluded from participating in the case unless the default is first set aside under Federal Rule of Civil Procedure 55(c). Because Defendant Im had not moved to set aside the default, he could not participate through objections to the Findings and Recommendation.
2. Randall sufficiently proved that Defendants willfully failed to pay earned and unpaid wages when her employment terminated and therefore was entitled to penalty wages under Oregon Revised Statutes §§ 652.140(1) and 652.150(1), in the amount calculated in the Findings and Recommendation.

KEY QUOTATIONS

“Normally, [e]ntry of default cuts off a defendant’s right to appear in the action.”

“Because Defendant Im is in default, Defendant Im is precluded from participating in this case.”

“Therefore, Defendants willfully failed to pay Plaintiff what she was owed upon termination of her employment and failed to do so after thirty days.”

FACTUAL BACKGROUND

Plaintiff Carly Randall alleged that Defendant Clint Im and the company defendants failed to pay her for hundreds of hours of work performed between August 2020 and September 2021 under an arrangement described as a sweat-equity contract. Her evidence included an employment contract requiring biweekly compensation, payment records describing recurring payments as payroll or salary, and bank statements showing that payments became less frequent in 2020 and nearly ceased in 2021. The court found that the evidence sufficiently established that Defendants knew of their obligation to pay Randall and willfully failed to pay wages due at termination.

PROCEDURAL HISTORY

Magistrate Judge Jeff Armistead recommended granting in part and denying in part Plaintiff's motion for default judgment. Defendant Im filed objections, but he had been in default for more than a year and had not moved under Federal Rule of Civil Procedure 55(c) to set aside the default. The district court therefore treated the

Findings and Recommendation as unobjected to, adopted it, and granted in part and denied in part the motion for default judgment.

DISPOSITION

other

CASES CITED

- Big Wuf Enters., LLC v. Go Farm Hemp LLC, No. 6:20-cv-01634-MC, 2021 WL 12319108 (D. Or. July 12, 2021)
- Verliant Energy, Inc. v. Barry, No. 14-cv-02443-JST, 2015 WL 12990196, at *3 (N.D. Cal. Mar. 31, 2015)
- Transamerica Life Ins. Co. v. Shubin, No. 1:11-cv-01958-LJO-SKO, 2012 WL 5364645, at *2 (E.D. Cal. Oct. 31, 2012)
- Great Am. Ins. Co. v. M.J. Meneffee Constr., Inc., No. F06-0392 AWI DLB, 2006 WL 2522408, at *2 (E.D. Cal. Aug. 29, 2006)
- Joe Hand Prods., Inc. v. Estrada, No. 1:10-cv-02165-OWW-SKO, 2011 WL 1232606, at *1 n.1 (E.D. Cal. Mar. 31, 2011), adopted, 2011 WL 1557876 (E.D. Cal. Apr. 25, 2011)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Gessele v. Jack in the Box Inc., 160 F.4th 1011, 1024-25 (9th Cir. 2025)
- Wilson v. Smurfit Newsprint Corp., 197 Or. App. 648, 660, 662-63, 107 P.3d 61 (2005)
- Sabin v. Willamette-Western Corp., 276 Or. 1083, 1093, 557 P.2d 1344 (1976)
- Davis v. Morris, 37 Cal. App. 2d 269, 274, 99 P.2d 345 (1940)