

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Deidre A. Muna Vasquez v. Wellington Capital Partners LLC

No. 1:25-cv-00627-EPG, United States District Court for the Eastern District of California (July 16, 2025)

SUMMARY

The United States District Court for the Eastern District of California orders assignment of a district judge, vacates the initial scheduling conference, and sets a deadline for the plaintiff to move for default judgment. The order explains that any motion must address service, jurisdiction, the Eitel factors, and support for requested damages, fees, and costs.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 16, 2025
DOCKET	1:25-cv-00627-EPG
DISPOSITION	other
PROCEDURAL POSTURE	After the clerk entered default against the sole defendant, the district court vacated the initial scheduling conference and directed the plaintiff to move for default judgment or, alternatively, request clerk-entered judgment if appropriate.
STANDARD OF REVIEW	A district court has an affirmative duty to examine subject-matter and personal jurisdiction before entering default judgment. The court also noted de novo review of whether a default judgment is void for lack of personal jurisdiction based on insufficient service of process.
PRECEDENTIAL VALUE	Unknown; district court order addressing case management and requirements for a contemplated default-judgment motion.
PARTIES	Deidre A. Muna Vasquez v. Wellington Capital Partners LLC

TOPICS

- default judgment
- default
- fair debt collection
- attorney fees
- damages

PRACTICE AREAS

QUESTIONS PRESENTED

1. What requirements must plaintiff address in a motion for default judgment after entry of clerk's default?
2. What case-management orders should issue following the clerk's entry of default?

HOLDINGS

1. Before seeking default judgment, plaintiff must establish proper service on the defendant and the court's subject-matter and personal jurisdiction, address the relevant default-judgment factors, independently address each count in the complaint, and support any requested attorney fees, costs, damages, or other monetary recovery with legal authority and an explanation of the amount sought.
2. The clerk was directed to assign a district judge, the initial scheduling conference was vacated, and plaintiff was given until August 18, 2025, to move for default judgment against defendant.

KEY QUOTATIONS

“When entry of judgment is sought against a party who has failed to plead or otherwise defend, a district court has an affirmative duty to look into its jurisdiction over both the subject matter and the parties.” (at 1)

“A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings.” (at 2)

FACTUAL BACKGROUND

Deidre A. Muna Vasquez filed suit on May 28, 2025, alleging violations of the Fair Debt Collection Practices Act and the Rosenthal Fair Debt Collection Practices Act. Wellington Capital Partners LLC was the sole defendant, and the clerk entered default after the defendant failed to plead or otherwise defend. The court addressed the requirements for plaintiff's anticipated motion for default judgment.

PROCEDURAL HISTORY

Plaintiff filed an action alleging violations of the Fair Debt Collection Practices Act and the Rosenthal Fair Debt Collection Practices Act. The clerk entered default against Wellington Capital Partners LLC. The court ordered assignment of a district judge, vacated the scheduling conference, and set August 18, 2025, as the deadline for a motion for default judgment.

DISPOSITION

other

CASES CITED

- *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999)
- *S.E.C. v. Internet Sols. for Bus. Inc.*, 509 F.3d 1161, 1165 (9th Cir. 2007)

- Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- In re Ferrell, 539 F.3d 1186, 1192 (9th Cir. 2008)
- Schneider v. Cnty. of San Diego, 285 F.3d 784, 789 (9th Cir. 2002)

OPINION

Muna Vasquez v. Wellington Capital Partners LLC

PER CURIAM.

1 2 3 4 5

6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 9 DEIDRE A. MUNA VASQUEZ, Case No. 1:25-cv-00627-EPG 10 Plaintiff,

11 v. ORDER (1) TO ASSIGN A DISTRICT

JUDGE; (2) VACATING SCHEDULING

12 WELLINGTON CAPITAL PARTNERS CONFERENCE; AND (3) SETTING

LLC, DEADLINE RE: DEFAULT JUDGMENT

13 Defendants. 14

(ECF Nos. 5, 6) 15 16 17 Plaintiff filed this action on May 28, 2025, alleging violations of the Fair Debt Collection 18 Practices Act and the Rosenthal Fair Debt Collection Practices Act. (ECF No. 1). Plaintiff has 19 since requested and obtained a clerk’s entry of default against the sole Defendant, Wellington Capital Partners LLC. (ECF Nos. 5, 6). Given the Clerk’s entry of default, the Court will set a 20 deadline for Plaintiff to move for default judgment under Rule 55(b)(2).1 Additionally, the Court 21 advises Plaintiff of the following basic requirements for a motion for default judgment.2 22 The motion must establish proper service on Defendant and the Court’s jurisdiction. In re 23 Tuli, 172 F.3d 707, 712 (9th Cir. 1999) (“When entry of judgment is sought against a party who 24 has failed to plead or otherwise defend, a district court has an affirmative duty to look into its 25 jurisdiction over both the subject matter and the parties.”); see S.E.C. v. Internet Sols. for Bus. 26 27 1 Alternatively, if Plaintiff believes a default judgment by the Clerk is appropriate under Rule 55(b)(1), Plaintiff may file such a request. 28 2 This order does not purport to advise Plaintiff of all applicable requirements. 1 | Inc., 509 F.3d 1161, 1165 (9th Cir. 2007) (“We review de novo whether default judgment is void 2 | because of lack of personal jurisdiction due to insufficient service of process.”). 3 The motion must address the relevant factors regarding default judgment. See Eitel v. 4 || McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (noting seven factors that courts may consider 5 | before exercising discretion to enter default judgment). Here, the complaint identifies multiple 6 | counts, which Plaintiff must independently address. 7 Further, the motion must support any request for attorney fees, costs, and damages. See In 8 re Ferrell, 539 F.3d 1186, 1192 (9th Cir. 2008) (noting party seeking attorney fees and costs must 9 specify basis for such award); Schneider v. Cnty. of San Diego, 285 F.3d 784, 789 (9th Cir. 2002) (“Whether prejudgment interest is permitted in a particular case is a matter of statutory 8 interpretation,

federal common law, and, in some instances, state law.”); Fed. R. Civ. P. 54(c) (“A default judgment must not differ in kind from, or exceed in amount, what is demanded in the 2 pleadings.”). 13 Plaintiff must identify the recovery sought under the complaint, specify the authority that supports it, and explain how any monetary amount sought is justified. 15 Accordingly, IT IS ORDERED as follows: 16 1. The Clerk of Court is directed to assign a District Judge to this case. 17 2. The initial scheduling conference set for September 2, 2025, is vacated. (ECF No. 3). 18 3. Plaintiff has until August 18, 2025, to move for default judgment against Defendant.? 19 20 IT IS SO ORDERED. 21 | Dated: _ July 16, 2025 [sf ey —

0 UNITED STATES MAGISTRATE JUDGE

23 24 25 26 || 3 Plaintiff’s motion for default judgment shall provide developed argument, including citation to the record and relevant legal authority, in addressing the requirements discussed above and any other applicable 27 | requirements. See Fed. R. Civ. P. 7(b)(1)(B) (noting that motions must “state with particularity the grounds for seeking the order). 28