

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.

OPINION

Muna Vasquez v. Wellington Capital Partners LLC

PER CURIAM.

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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