

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)

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