

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Luis Enrique Ramos Perez v. Evolet's Painting Service LLC, et al.

Perez · No. CV-25-01886-PHX-ASB · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Arizona adopts a Magistrate Judge’s Report and Recommendation recommending default judgment in favor of Luis Enrique Ramos Perez. The Court awards Perez \$529.20 in trebled wage damages against the defendants, jointly and severally, with post-judgment interest. The Court also directs Perez to file a motion for attorney fees and costs and orders the Clerk to terminate the action.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Stephen M. McNamee
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 20, 2026
DOCKET	CV-25-01886-PHX-ASB
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending entry of default judgment and an award of unpaid and overtime wages. No party filed objections.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district court may accept, reject, or modify a magistrate judge's findings or recommendations. Parties have fourteen days to file specific written objections; absent objections, de novo review of factual findings is not required and objections to those findings are waived on appeal.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

- civil procedure
- employment law
- wage and hour
- fair labor standards

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no party filed objections.
2. Whether plaintiff was entitled to default judgment and a \$529.20 damages award against all defendants.

HOLDINGS

1. The district court adopted the magistrate judge's Report and Recommendation because no party filed objections.
2. Plaintiff was entitled to default judgment against all defendants and a judgment of \$529.20, with defendants jointly and severally liable, plus post-judgment interest.

KEY QUOTATIONS

“The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.”” (at 2)

FACTUAL BACKGROUND

Plaintiff Luis Enrique Ramos Perez sought unpaid and overtime wages from Evolet's Painting Service LLC and the other defendants. The magistrate judge recommended entry of default judgment and an award of damages against all defendants. The district court adopted the recommendation and entered a trebled statutory damages award of \$529.20 under the Arizona Minimum Wage Act, which the court stated encompassed plaintiff's wage damages under the Fair Labor Standards Act.

PROCEDURAL HISTORY

Plaintiff moved for default judgment in this Fair Labor Standards Act and Arizona Minimum Wage Act wage case. Magistrate Judge Alison S. Bachus issued a Report and Recommendation on December 15, 2025, recommending that the motion be granted and damages awarded against all defendants. Because the parties had not all consented to magistrate-judge jurisdiction, the matter was reviewed by the district court under 28 U.S.C. § 636(b)(1)(C) and General Order 21-25. The district court adopted the recommendation, granted default judgment, entered a \$529.20 joint-and-several judgment, allowed plaintiff to seek attorney fees and costs, and terminated the action.

DISPOSITION

other

CASES CITED

- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)

OPINION

Perez

PER CURIAM.

1 2 3 4 5

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Luis Enrique Ramos Perez, NO. CV-25-01886-PHX-ASB 10 Plaintiff, ORDER 11 v. 12
Evolet's Painting Service LLC, et al., 13 Defendants. 14 15 This matter was assigned to Magistrate
Judge Alison S. Bachus. (Doc. 6). On

16 December 15, 2025, the Magistrate Judge filed a Report and Recommendation (“R&R”)

17 recommending that the Court grant Plaintiff’s Motion for Default Judgment (Doc. 12) and 18
award damages for unpaid and overtime wages against all Defendants. (Doc. 13).1 To date, 19 1

This case is assigned to a Magistrate Judge. However, not all parties have 20 consented to the
jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant to General
Order 21-25, which states in relevant part: 21 When a United States Magistrate Judge to whom a
civil action has been 22 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) 23 due to incomplete
status of election by the parties to consent or not consent to the full authority of the Magistrate
Judge, 24 IT IS ORDERED that the Magistrate Judge will prepare a Report and 25
Recommendation for the Chief United States District Judge or designee. 26 IT IS FURTHER
ORDERED designating the following District Court Judges to review and, if deemed suitable, to
sign the order of dismissal on 27 my behalf: 28 Phoenix/Prescott: Senior United States District
Judge Stephen M. McNamee 1 no objections have been filed.

2 STANDARD OF REVIEW

The Court “may accept, reject, or modify, in whole or in part, the findings or 3 recommendations
made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. 4 Sullivan, 923 F.2d 1391, 1394
(9th Cir. 1991). Parties have fourteen days from the service 5 of a copy of the Magistrate=s
recommendation within which to file specific written 6 objections to the Court. 28 U.S.C. § 636(b)
(1); Fed. R. Civ. P. 6, 72. Failure to object to a 7 Magistrate Judge=s recommendation relieves the
Court of conducting de novo review of the 8 Magistrate Judge=s factual findings and waives all
objections to those findings on appeal. 9 See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998).
A failure to object to a Magistrate 10 Judge=s conclusion “is a factor to be weighed in considering
the propriety of finding waiver 11 of an issue on appeal.” Id. 12

DISCUSSION2

13 Having reviewed the Magistrate Judge’s R&R, Plaintiff’s Motion and supporting 14 affidavits,
and no Objections having been made by any party thereto, the Court hereby 15 adopts the
Magistrate Judge’s R&R. The Court finds that entry of default judgment and a 16 statutory
damages award totaling \$529.203 is appropriate in this matter. (Doc. 13). 17

CONCLUSION

18 Accordingly, 19 IT IS ORDERED adopting the Report and Recommendation of the Magistrate
20 Judge. (Doc. 13). 21 IT IS FURTHER ORDERED granting Plaintiff's Motion for Default
Judgment. 22 (Doc. 12). 23 IT IS FURTHER ORDERED that Plaintiff Luis Enrique Ramos Perez
is entitled 24 to judgement in the amount of \$529.20 against all Defendants, in which they shall be
jointly 25 and severally liable. This amount shall be subject to post-judgment interest at the
applicable 26 27 2 The factual and procedural history of this case is set forth in the Magistrate
Judge's Report and Recommendation (Doc. 13). 28 3 This is a trebled amount under the Arizona
Minimum Wage Act ("AMWA"), which engulfs Plaintiff's wage damages under the Fair Labor
Standards Act ("FLSA"). federal rate pursuant to 28 U.S.C. § 1961(a). 2 IT IS FURTHER
ORDERED directing the Clerk of Court enter judgement accordingly. 4 IT IS FURTHER
ORDERED directing Plaintiff to file a motion for attorney fees 5 || and costs on or before February
3, 2026 pursuant to LRCiv 54.2. 6 IT IS FURTHER ORDERED directing the Clerk of Court to
terminate this action. 7 Dated this 20th day of January, 2026. 8 9 oe - Stephen M. McNamee 10
Senior United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _3-