

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.

OPINION

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 DISCUSSION 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-