UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Carly Randall v. Clint Im, The Bottling Co., LLC, Relief Brand LLC, CBD Direct LLC, OHC LLC, and Industry Supply LLC

Randall v. Im · No. 3:23-cv-00243-AR · Decided June 4, 2026

SUMMARY

The United States District Court for the District of Oregon denies Defendant Clint Im’s motions for relief from judgment and to stay execution of the judgment. The court concludes that Im remained in default, had not moved to set aside the default, and failed to establish grounds for relief under Federal Rule of Civil Procedure 60(b). The court adopts the magistrate judge’s Findings and Recommendation and grants in part and denies in part Plaintiff’s motion for attorney fees.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Baggio, District Judge
JURISDICTION	United States District Court for the District of Oregon
DECIDED	June 4, 2026
DOCKET	3:23-cv-00243-AR
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Findings and Recommendation concerning the plaintiff's motion for attorney fees and considered the defendant's motions for relief from judgment under Federal Rule of Civil Procedure 60(b) and for a stay of execution. The court denied the defendant's motions, adopted the Findings and Recommendation, and granted in part and denied in part the plaintiff's motion for attorney fees.
STANDARD OF REVIEW	The court stated that de novo review is required only for portions of a magistrate judge's report to which valid objections have been made, and concluded that because Defendant Im was in default and could not participate, the court was relieved of its obligation to review the record de novo. Relief under Rule 60(b) was analyzed under the applicable standards, including the requirement that a party seeking to set aside default show good cause and that newly discovered evidence could not have been discovered through due diligence.

PRECEDENTIAL VALUE	Unknown; district court order designated as per curiam, with no published reporter citation.

TOPICS

default judgment · default · motion for reconsideration · attorney fees · civil procedure

PRACTICE AREAS

civil procedure · employment law · attorney fees · default judgment

QUESTIONS PRESENTED

1. Whether Defendant Im was entitled to relief from the entry of default or judgment under Federal Rule of Civil Procedure 60(b)(1), (2), or (6).
2. Whether Defendant Im could participate in the case or object to the magistrate judge's Findings and Recommendation while remaining in default and having failed to move to set aside the default.
3. Whether the district court should stay execution of judgment pending resolution of Defendant Im's Rule 60(b) motion.
4. Whether the magistrate judge's Findings and Recommendation on plaintiff's motion for attorney fees should be adopted.

HOLDINGS

1. A party in default is generally precluded from participating in the case until the entry of default has been set aside. Because Defendant Im had not moved to set aside the default, he could not participate or obtain de novo review of his objections.
2. Even construing Defendant Im's filings as a motion to set aside default, he failed to establish good cause.
3. Defendant Im was not entitled to relief under Rule 60(b)(1) because the record did not support his claim that he had not intentionally disregarded the proceedings.
4. The court declined to consider new arguments offered in support of Rule 60(b)(6) relief when those arguments could have been raised earlier.
5. Defendant Im was not entitled to relief under Rule 60(b)(2) because he failed to show that the proffered evidence could not have been discovered through due diligence.
6. The motion to stay execution of judgment was denied as moot because it was contingent on resolution of the denied Rule 60(b) motion.
7. The court adopted the magistrate judge's Findings and Recommendation and granted in part and denied in part Plaintiff's motion for attorney fees.

KEY QUOTATIONS

> *"Normally, '[e]ntry of default cuts off a defendant's right to appear in the action.'"* (Section II)

> *"Because Defendant Im is in default, he is precluded from participating in this case."* (Section II)

> *"new arguments raised after final judgment which could have been raised earlier would not justify relief from judgment"* (Section I)

> *"must show the evidence (1) existed at the time of the trial, (2) could not have been discovered through due diligence, and (3) was 'of such magnitude that production of it earlier would have been likely to change the disposition of the case'"* (Section I)

FACTUAL BACKGROUND

Defendants' counsel withdrew in November 2023, and defendants failed to obtain replacement counsel or file a required status report. Defendant Im failed to attend scheduled status conferences, and although the court temporarily stayed deadlines to allow him to determine whether to file for bankruptcy, no bankruptcy petition was filed and the stay was later lifted. After further nonparticipation, plaintiff obtained entry of default against all defendants. Im did not appear again until September 2025, after the magistrate judge had issued a Findings and Recommendation concerning plaintiff's motion for default judgment.

PROCEDURAL HISTORY

Defendants initially appeared through counsel and filed an answer, but their counsel later withdrew. After defendants failed to obtain new counsel, attend scheduled proceedings, or file a required status report, the magistrate judge stayed and later lifted deadlines concerning a possible bankruptcy filing. Plaintiff obtained entry of default against all defendants and moved for default judgment. Defendant Clint Im later appeared and sought relief from judgment and a stay, while also objecting to the magistrate judge's Findings and Recommendation on attorney fees. The district court held that Im remained in default, had not moved to set aside the entry of default, was precluded from participating, and therefore reviewed the Findings and Recommendation without de novo review of the merits of his objections.

DISPOSITION

other

CASES CITED

- Joe Hand Productions, Inc. v. Estrada, No. 1:10-cv-02165-OWW-SKO, 2011 WL 1232606, at *1 n.1 (E.D. Cal. Mar. 31, 2011), adopted, 2011 WL 1557876 (E.D. Cal. Apr. 25, 2011)
- Lombardi v. Donovan, 597 F. App'x 431, 431-32 (9th Cir. 2015)
- Franchise Holding II, LLC v. Huntington Rests. Grp., Inc., 375 F.3d 922, 926 (9th Cir. 2004)
- Schanen v. United States Department of Justice, 762 F.2d 805, 807-08 (9th Cir. 1985), reaffirmed as modified, 798 F.2d 348 (9th Cir. 1986)
- Redwind v. Western Union, LLC, No. 3:14-CV-01699-AC, 2017 WL 1025184, at *3 (D. Or. Mar. 16, 2017)
- Jones v. Aero/Chem Corp., 921 F.2d 875, 878 (9th Cir. 1990)
- Coastal Transfer Co. v. Toyota Motor Sales, U.S.A., 833 F.2d 208, 211 (9th Cir. 1987)

- Big Wuf Enters., LLC v. Go Farm Hemp LLC, No. 6:20-cv-01634-MC, 2021 WL 12319108, at *1 (D. Or. July 12, 2021)
- Verliant Energy, Inc. v. Barry, No. 14-cv-02443-JST, 2015 WL 12990196, at *3 (N.D. Cal. Mar. 31, 2015)
- Transamerica Life Insurance Co. v. Shubin, No. 1:11-cv-01958-LJO-SKO, 2012 WL 5364645, at *2 (E.D. Cal. Oct. 31, 2012)
- Great American Insurance Co. v. M.J. Menefee Construction, Inc., No. F06-0392 AWI DLB, 2006 WL 2522408, at *2 (E.D. Cal. Aug. 29, 2006)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)