

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ortiz v. Lucero Ag Services, Inc.

Ortiz · No. 1:23-cv-1319 JLT EPG · Decided April 22, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations concerning Lucero Ag Services, Inc.'s failure to maintain counsel, comply with court orders, and defend the action. The court struck the company's answer, directed the Clerk to enter default under Federal Rule of Civil Procedure 55(a), and granted plaintiffs permission to move for default judgment. The order was dated April 22, 2025.

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	April 22, 2025
DOCKET	1:23-cv-1319 JLT EPG
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Findings and Recommendations de novo after no party filed objections, adopted the recommendations, struck defendant Lucero Ag Services, Inc.'s answer, directed entry of default, and granted plaintiffs permission to move for default judgment.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished
PARTIES	Azucena Ortiz, Gustavo Meza, Dominga Espinoza v. Lucero Ag Services, Inc., Ricardo Ulices Lucero-Ambrosio

TOPICS

- default
- default judgment
- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Findings and Recommendations after conducting de novo review under 28 U.S.C. § 636(b)(1).
2. Whether Lucero Ag Services, Inc.'s answer should be stricken and default entered under Federal Rule of Civil Procedure 55(a) because the company was unrepresented and failed to comply with court orders and defend the action.
3. Whether plaintiffs should be permitted to move for default judgment against Lucero Ag Services, Inc.

HOLDINGS

1. The Findings and Recommendations were supported by the record and proper analysis and were adopted in full after de novo review.
2. Lucero Ag Services, Inc.'s answer was stricken, and the Clerk of Court was directed to enter default against the company pursuant to Federal Rule of Civil Procedure 55(a).
3. Plaintiffs were granted permission to move for default judgment against Lucero Ag Services, Inc.

KEY QUOTATIONS

“*The Court ORDERS:*” (at 2)

FACTUAL BACKGROUND

Azucena Ortiz, Gustavo Meza, and Dominga Espinoza filed a putative class action alleging primarily California labor-law violations. Lucero Ag Services, Inc. was no longer represented by counsel and failed to comply with court orders and defend the case. The magistrate judge recommended striking the company's answer, entering default, and allowing plaintiffs to move for default judgment; no party objected.

PROCEDURAL HISTORY

Plaintiffs filed a putative class action on September 5, 2023, principally alleging violations of California labor laws. After Lucero Ag Services, Inc. became unrepresented and failed to comply with court orders or defend the action, the magistrate judge recommended striking its answer, entering default under Federal Rule of Civil Procedure 55(a), and permitting plaintiffs to seek default judgment. The district court found no objections, conducted de novo review under 28 U.S.C. § 636(b)(1), and adopted the Findings and Recommendations in full.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 AZUCENA ORTIZ, et al.,) Case No.: 1:23-cv-1319 JLT EPG) 12 Plaintiffs,
) ORDER ADOPTING FINDINGS AND) RECOMMENDATIONS TO 13 v.) (1) STRIKE
ANSWER OF DEFENDANT) LUCERO AG SERVICES, INC.; (2) ENTER 14 LUCERO AG
SERVICES, INC., et al.,) DEFAULT AGAINST THIS DEFENDANT;) (3) GRANT
PLAINTIFFS PERMISSION 15 Defendants.) TO MOVE FOR DEFAULT JUDGMENT)
AGAINST THIS DEFENDANT 16)) 17) (Doc.

78)) 18 19 Azucena Ortiz, Gustavo Meza, and Dominga Espinoza filed this putative class action
on 20 September 5, 2023, mostly alleging violations of California state labor laws. (See generally
Doc. 1.) 21 On March 24, 2025, because defendant Lucero Ag Services, Inc. is no longer
represented by counsel 22 and has failed to comply with court orders and defend this case, the
assigned magistrate judge issued 23 Findings and Recommendations to strike Lucero Ag Services’
Answer, direct the Clerk of Court to 24 enter a default against it under Federal Rule of Civil
Procedure 55(a), and permit Plaintiffs to move for 25 default judgment against this defendant.

(Doc. 78.) 26 The Court served the Findings and Recommendations on the parties, including upon
Lucero 27 Ag Services at its last known address, and notified them that any objections were due
within 14 days. 28 (Id. at 3-4.)

The Court advised the parties that the “failure to file objections within the specified time 1 || may
result in the waiver of rights on appeal.” (/d., citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838- 2 ||)
39 (9th Cir. 2014).) No party filed objections. 3 According to 28 U.S.C. § 636(b)(1), this Court
performed a de novo review of this case. Havi 4 || carefully reviewed the matter, the Court
concludes the Findings and Recommendations are supported 5 || by the record and proper analysis.

Thus, the Court ORDERS: 6 1. The Findings and Recommendations filed on March 24, 2025
(Doc. 78) are ADOPTED 7 in full. 8 2. The Answer of defendant Lucero Ag Services, Inc. is
STRICKEN. (ECF No. 47). 9 3. The Clerk of Court is DIRECTED to enter a default as to
defendant Lucero Ag 10 Services, Inc. pursuant to Federal Rule of Civil Procedure 55(a). 11 4.
Plaintiffs are GRANTED permission to move for default judgment against defendant 12 Lucero
Ag Services, Inc. 13 5.

The Clerk of Court is DIRECTED to serve this order on both defendants Lucero Ag 14 Services,
Inc., and Ricardo Ulices Lucero-Ambrosio at both of the following address: 15 (1) 529 South D
Street, Madera, CA 93638; and (2) 3573 Rocky Bottom Street, Madera 16 CA 93637. 17 18 ||IT IS
SO ORDERED. 19! Dated: _ April 22, 2025 (LAW ph L. wary 20 TED STATES DISTRICT
JUDGE 21 22 23 24 25 26 27 28