

**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

OPINION

Ortiz v. Lucero Ag Services, Inc.

PER CURIAM.

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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 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