

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND,
SOUTHERN DIVISION

Vida Guerra, et al. v. Erick & Edwin, Inc.

Civil Action No. TDC-24-03431 · No. Civil Action No. TDC-24-03431 · Decided March 9, 2026

SUMMARY

This Report and Recommendations addresses Plaintiffs’ motion for default judgment against Erick & Edwin, Inc., d/b/a Taco Mex Restaurant, arising from the alleged unauthorized use and alteration of seven professional models’ images in advertising. The magistrate judge recommends granting default judgment in part and denying it in part, finding the allegations sufficient to establish liability on the Lanham Act false association and false advertising claims, Maryland privacy and defamation claims, and unjust enrichment claim, but insufficient on certain other state-law claims. The document also discusses default procedures, statutes of limitations, damages, injunctive relief, and attorneys’ fees.

CASE DETAILS

COURT	United States District Court for the District of Maryland, Southern Division
WRITING FOR THE COURT	Gina L. Simms, United States Magistrate Judge
JURISDICTION	United States District Court for the District of Maryland, Southern Division
DECIDED	March 9, 2026
DOCKET	Civil Action No. TDC-24-03431
DISPOSITION	other
PROCEDURAL POSTURE	Report and Recommendations on Plaintiffs' motion for default judgment after Defendant failed to plead, otherwise defend, or respond to the motion. The magistrate judge recommended granting the motion in part and denying it in part.
STANDARD OF REVIEW	On a motion for default judgment, well-pleaded factual allegations are accepted as true except allegations concerning damages; legal conclusions are not admitted. The court must determine whether the admitted facts state a legitimate cause of action and support the requested relief. Damages generally require evidentiary support, although a hearing is unnecessary when the record sufficiently establishes the amount.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Vida Guerra, Ursula Mayes, Claudia Sampedro, Jamillette Gaxiola, Paola Cañas, Cora Skinner, Jaime Edmondson Longoria v. Erick & Edwin, Inc. d/b/a Taco Mex Restaurant a/k/a Taco Mex

TOPICS

default judgment

injunctions

trademark infringement

defamation

consumer protection

PRACTICE AREAS

civil procedure

intellectual property

torts

remedies

consumer protection

QUESTIONS PRESENTED

1. Whether Defendant's failure to respond and entry of default entitled Plaintiffs to default judgment on their Lanham Act false-association and false-advertising claims.
2. Whether Plaintiffs adequately pleaded a Maryland common-law misappropriation-of-likeness claim.
3. Whether Plaintiffs adequately pleaded claims under the Allen Toussaint Legacy Act, the Maryland Consumer Protection Act, Maryland negligence law, defamation law, unjust enrichment, and quantum meruit.
4. Whether Plaintiffs established entitlement to a permanent injunction prohibiting Defendant from using their images or likenesses.
5. Whether the evidentiary record supported Plaintiffs' requested compensatory damages without a damages hearing.
6. Whether Plaintiffs should receive leave to submit additional briefing concerning attorneys' fees and costs.

HOLDINGS

1. Entry of default admits well-pleaded factual allegations but does not automatically entitle a plaintiff to default judgment; the court must determine whether those facts state a legitimate cause of action and support the requested relief.
2. Plaintiffs adequately pleaded Lanham Act claims because the alleged unauthorized use of their images in commercial advertising could create confusion or deception regarding affiliation, endorsement, or association and could injure Plaintiffs' commercial interests in reputation and sales.
3. Plaintiffs adequately pleaded a Maryland common-law invasion-of-privacy claim based on appropriation of their likenesses for Defendant's commercial purposes without authority or consent.
4. Plaintiffs did not establish liability under the Allen Toussaint Legacy Act because they failed to allege a nexus to Louisiana or that the statutory domicile requirements were satisfied.

5. Plaintiffs did not adequately plead a Maryland Consumer Protection Act claim because they did not allege that they were consumers who relied on Defendant's alleged misrepresentation and suffered actual injury from that reliance.
6. Plaintiffs adequately pleaded a Maryland defamation claim because the alleged publication of images falsely portraying them as entertainers or affiliates of Defendant could expose them to public scorn and injure them in their profession.
7. Plaintiffs did not adequately plead negligence because they failed to establish that Defendant owed them a duty of care to implement policies governing the use of images and likenesses.
8. Plaintiffs adequately pleaded unjust enrichment but did not adequately plead quantum meruit because they alleged no implied contract under which they performed modeling services for Defendant.
9. Plaintiffs established entitlement to a permanent injunction prohibiting Defendant from continuing to use their images or likenesses in commerce in a manner likely to cause confusion about affiliation, association, endorsement, or promotion.
10. The record supported Plaintiffs' requested compensatory damages of \$132,500 without a separate evidentiary hearing because their valuation expert provided a methodology and calculations for the fair market value of the unauthorized image uses, and Defendant forfeited its opportunity to challenge them by failing to defend.

KEY QUOTATIONS

“However, even “when a court has entered default against a defendant, a plaintiff is not automatically entitled to have a default judgment entered.”” (Section II.A)

“a party in default does not admit mere conclusions of law.” (Section III.A)

“In order to obtain a permanent injunction, a movant must demonstrate: “(1) it has suffered an irreparable injury; (2) legal (as opposed to equitable) remedies are inadequate to compensate that injury; (3) an injunction is warranted after considering the balance of hardships between the parties; and (4) the public interest would not be disserved by entry of a permanent injunction.”” (Section IV.A)

FACTUAL BACKGROUND

Seven professional models alleged that Erick & Edwin, Inc., which operates Taco Mex Restaurant and nightclub in Maryland, appropriated and altered images of them and used the images on Taco Mex's Facebook page and other promotional media. The alleged advertisements created the impression that Plaintiffs worked for, endorsed, or were affiliated with Taco Mex, a business Plaintiffs alleged operated in a sexually charged atmosphere. Plaintiffs alleged that the unauthorized use harmed their reputations and careers, deprived them of compensation, and benefited Defendant commercially.

PROCEDURAL HISTORY

Plaintiffs filed the Complaint on November 26, 2024. Defendant was served on January 4, 2025, but failed to respond by the January 27, 2025 deadline. The Clerk entered default on February 26, 2025. After the district judge directed Plaintiffs to seek default judgment, Plaintiffs filed their motion on May 16, 2025. The magistrate

judge recommended default judgment on Counts I-III, VI, and VIII, denial on Counts IV-V, VII, and IX, a permanent injunction, damages in the requested amount, and supplemental briefing on attorneys' fees and costs.

DISPOSITION

other

REMAND INSTRUCTIONS

The Report and Recommendations recommended that the district court enter default judgment on Counts I-III, VI, and VIII; deny default judgment on Counts IV-V, VII, and IX; permanently enjoin Defendant from using Plaintiffs' images or likenesses in the specified manner; require removal of social-media postings and advertisements containing Plaintiffs' images or likenesses; and permit a separate petition for attorneys' fees and costs.

CASES CITED

- Ryan v. Homecomings Fin. Network, 253 F.3d 778, 780-81 (4th Cir. 2001)
- United States v. Moradi, 673 F.2d 725, 727 (4th Cir. 1982)
- DIRECTV, Inc. v. Rawlins, 523 F.3d 318, 322 n.2 (4th Cir. 2008)
- Dominion Fin. Servs., LLC v. Pavlovsky, 673 F. Supp. 3d 727, 740-41 (D. Md. 2023)
- Wilson v. Daniels, 2023 WL 3872005, at *2-3 (D.S.C. May 10, 2023)
- Lexmark Int'l, Inc. v. Static Control Components, Inc., 572 U.S. 118, 131-33 (2014)
- Belmora, LLC v. Bayer Consumer Care AG, 819 F.3d 697, 707 (4th Cir. 2016)
- Design Res., Inc. v. Leather Indus. of Am., 789 F.3d 495, 501 (4th Cir. 2015)
- Davalos v. GGC-Baltimore, LLC, 2025 WL 266673, at *5 (D. Md. Jan. 22, 2025)
- Barnhart v. Paisano Publications, LLC, 457 F. Supp. 2d 590, 595-96 (D. Md. 2006)
- Lawrence v. A.S. Abell Co., 475 A.2d 448, 453 (Md. 1984)
- Penn-Plax, Inc. v. L. Schultz, Inc., 988 F. Supp. 906, 909 (D. Md. 1997)
- Stewart v. Bierman, 859 F. Supp. 2d 754, 768-69 (D. Md. 2012)
- Offen v. Brenner, 935 A.2d 719, 723-24 (Md. 2007)
- Metromedia, Inc. v. Hillman, 285 Md. 161, 171-73 (Md. 1979)
- McNack v. State, 920 A.2d 1097, 1106 (Md. 2007)
- Lacks v. Ultragenyx Pharm., Inc., 734 F. Supp. 3d 397, 408 (D. Md. 2024)
- County Comm'rs of Caroline County v. J. Roland Dashiell & Sons, Inc., 358 Md. 83, 94-95 (Md. 2000)
- Mayor of Balt. v. Azar, 973 F.3d 258, 274 (4th Cir. 2020)
- Amoco Prod. Co. v. Village of Gambell, 480 U.S. 531, 546 n.12 (1987)