

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Killa Bees Distribution LLC, dba Killa Beez, an Oregon limited liability company; Kevin Wong, an individual v. Left Coast Financial Solutions, Inc., an Oregon corporation; Left Coast FS Holdings, Inc. dba LCFS, an Oregon corporation; Left Coast FS Rancheria, Inc., an Oregon corporation; Casey Elizabeth Nye-Herrington, an individual; Daniel Herrington, an individual; Nicholas Rupp, an individual; Dominique Villela, as an individual and in his capacity as a member, manager, or employee of Shot Ventures, LLC; Shot Ventures, LLC, an Arizona limited liability company; and Does 1 through 25

Killa Bees Distribution · No. 3:23-cv-01629-JR · Decided March 10, 2026

SUMMARY

A United States Magistrate Judge recommends granting plaintiffs' motion for default judgment under Federal Rule of Civil Procedure 55(b)(2) against three corporate defendants that failed to appear. The recommendation concludes that the Eitel factors favor default judgment and recommends compensatory damages of \$126,994.02, while noting that statutory damages, prejudgment interest, attorney fees, and costs had not yet been established.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON KILLA BEES DISTRIBUTION LLC, dba 3:23-cv-01629-JR KILLA BEEZ, an Oregon limited liability company; KEVIN WONG, an individual, FINDINGS & Plaintiffs, RECOMMENDATION v. LEFT COAST FINANCIAL SOLUTIONS, INC., an Oregon corporation; LEFT COAST FS HOLDINGS, INC. dba LCFS, an Oregon corporation; LEFT COAST FS RANCHERIA, INC., an Oregon corporation; CASEY ELIZABETH NYE-HERRINGTON; an individual; DANIEL HERRINGTON; an individual; NICHOLAS RUPP, an individual; DOMINIQUE VILLELA, as an individual and in his capacity as a member, manager, or employee of SHOT VENTURES, LLC; SHOT VENTURES, LLC, an Arizona limited liability company; and DOES 1 through 25, Defendants.

RUSSO, Magistrate Judge: Plaintiffs, Killa Bees Distribution LLC and Kevin Wong, move for entry of default judgment pursuant to Fed. R. Civ. P. 55(b) against defendants Left Coast Financial Solutions, Inc., Left Coast FS Holdings, Inc., and Left Coast FS Rancheria, Inc. The Clerk entered

default Page 1 – FINDINGS & RECOMMENDATION against each of these defendants pursuant to Rule 55(a).

To date, despite service and repeated notice, none of these defendants have appeared or otherwise defended this action. For the reasons below, plaintiffs' motion should be granted. The Eitel Factors. In determining whether to enter default judgment, courts in the Ninth Circuit consider the factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir.

1986). Each factor weighs in favor of default judgment here. (1) Plaintiffs will be prejudiced absent default judgment. "And any potential prejudice to the plaintiff favors granting a default judgment." *Contractors Bonding & Ins. Co. v. Radian Constr. Corp.*, 2021 WL 5927682, *2 (D. Or. Nov. 29), adopted by 2021 WL 5925962 (D. Or. Dec. 15, 2021) (citation and internal quotations omitted).

(2) and (3) The second and third factors – the merits of plaintiffs' claims and the sufficiency of plaintiffs' complaint – also favor granting plaintiffs' motion. The Ninth Circuit has directed that the second and third factors, taken together, require the dispositive pleading to "state a claim on which the [plaintiff] may recover." *Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir.

1978). Plaintiffs have sufficiently pleaded an actual controversy and stated valid claims against the defaulted defendants for breach of contract, breach of the covenant of good faith and fair dealing, unjust enrichment, negligence, fraudulent misrepresentation, dishonored checks and conversion.

(4) The fourth factor considers the sum of money at stake in this action. The damages here are neither nominal nor particularly substantial, as plaintiff seeks \$126,994.02 in actual damages, along with statutory damages, prejudgment interest, attorney fees and costs.

The Court concludes that the fourth factor is neutral. Page 2 – FINDINGS & RECOMMENDATION (5) The fifth factor considers the possibility of a dispute concerning material facts. As discussed above, the defendants were properly served but did not appear in this case.

The Court must therefore accept as true plaintiff's well-pleaded factual allegations in the Third Amended Complaint. No contrary evidence has been presented. (6) and (7) The sixth and seventh factors favor granting plaintiffs' motion.

The sixth factor considers whether defendants' default was due to excusable neglect, and here the record demonstrates that defendants were served but have not appeared or otherwise indicated an intent to do so. As to the seventh factor, "default judgments are disfavored because cases should be decided on their merits whenever reasonably possible [but] the policy... favoring decisions on

the merits does not weigh against default judgment because [the defendants'] failure to appear makes a decision on the merits impractical." Contractors Bonding & Ins.

Co., 2021 WL 5927682 at *3 (citations and internal quotations and brackets omitted). In sum, after balancing the Eitel factors, the Court concludes that default judgment should be entered. RECOMMENDATION Plaintiffs' motion for default judgment (ECF 105) should be granted and default judgment entered against defendants Left Coast Financial Solutions, Inc., Left Coast FS Holdings, Inc., and Left Coast FS Rancheria, Inc. Fed.

R. Civ. P. 55(b)(2). The Eitel factors favor entry of a default judgment as to all three defendants awarding compensatory damages in the amount of \$126,994.02, however, statutory damages, prejudgment interest, attorney fees and costs have not yet been established. This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of appeals.

Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, Page 3 – FINDINGS & RECOMMENDATION should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court.

Thereafter, the parties shall have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determination of the Magistrate Judge will be considered as a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to this recommendation.

DATED this 10th day of March, 2026. _____/s_/ J_o_l_i_e_ _A_. _R_u_s_s_o_____ Jolie A. Russo United States Magistrate Judge Page 4 – FINDINGS & RECOMMENDATION