

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Alonso Alexander Guardado Lopez v. Air Pro Heating & Cooling LLC, et al.

Lopez · No. CV-25-02009-PHX-SMM (JZB) · Decided March 26, 2026

SUMMARY

This Report and Recommendation addresses Plaintiff Alonso Alexander Guardado Lopez’s renewed motion for attorneys’ fees and costs following entry of default judgment in an action involving the Fair Labor Standards Act and Arizona minimum wage law. The magistrate judge recommends awarding \$5,651.50 in attorneys’ fees and \$577.80 in out-of-pocket costs, with modifications based on the reasonableness of billed time and the hourly rate.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 26, 2026
DOCKET	CV-25-02009-PHX-SMM (JZB)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on plaintiff's renewed motion for attorneys' fees and costs following entry of default judgment in an FLSA and Arizona minimum-wage action.
STANDARD OF REVIEW	Reasonableness of attorneys' fees under the lodestar method, including review of hours reasonably expended, reasonable hourly rate, and possible adjustment under the Kerr factors.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

attorney fees costs default judgment flsa civil procedure

PRACTICE AREAS

attorneys' fees costs employment law civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to recover attorneys' fees and costs under the FLSA and Arizona minimum-wage law after obtaining default judgment.
2. What amount of attorneys' fees was reasonable under the lodestar method and the Kerr factors.
3. Whether plaintiff was entitled to recover the requested \$577.80 in out-of-pocket costs under the applicable rules.

HOLDINGS

1. A plaintiff who obtained default judgment is a prevailing party and is entitled to seek reasonable attorneys' fees and costs under the FLSA and Arizona minimum-wage law.
2. The reasonable attorneys' fee award should be reduced to \$5,651.50 based on 12.7 compensable hours at a reasonable hourly rate of \$445.
3. Plaintiff should receive \$577.80 in out-of-pocket costs.

KEY QUOTATIONS

“Parties prevailing on default judgment are still prevailing parties for the purposes of awarding attorneys’ fees.” (at 2)

“Attorneys’ fees should not be given for the performance of administrative tasks which could and should be performed by secretarial or paralegal staff.” (at 7)

“time spent in establishing the entitlement to and amount of the fee is compensable” (at 8)

“Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.” (at 10)

FACTUAL BACKGROUND

Plaintiff brought claims under the Fair Labor Standards Act and Arizona minimum-wage law after defendants failed to appear or defend. The Clerk entered default against all defendants, and the district court subsequently entered default judgment. Plaintiff sought \$6,497.00 in attorneys' fees and \$577.80 in costs through a renewed motion filed after the district court required further proceedings concerning the fee request.

PROCEDURAL HISTORY

Plaintiff filed the action on June 10, 2025, served defendants, and obtained entry of default after defendants failed to appear. The district court entered default judgment on November 13, 2025. After an earlier fee motion and report and recommendation, the district court rejected the prior recommendation and directed plaintiff to file a renewed motion. The magistrate judge recommends granting the renewed motion with modifications, awarding \$5,651.50 in attorneys' fees and \$577.80 in costs.

DISPOSITION

other

CASES CITED

- G&G Closed Cir. Events LLC v. Carbajal, No. CV-20-00838-PHX-SPL, 2020 WL 6699485, at *1 (D. Ariz. Nov. 13, 2020)
- Puente Arizona v. Penzone, No. CV-14-01356-PHX-DGC, 2017 WL 4805116, at *1 (D. Ariz. Oct. 25, 2017)
- Roberts v. City of Honolulu, 938 F.3d 1020, 1023 (9th Cir. 2019)
- Kelly v. Wengler, 822 F.3d 1085, 1099 (9th Cir. 2016)
- Machowski v. 333 N. Placentia Prop., LLC, 38 F.4th 837, 841 (9th Cir. 2022)
- Chalmers v. City of Los Angeles, 796 F.2d 1205, 1210-11 (9th Cir. 1986), opinion amended on denial of reh'g, 808 F.2d 1373 (9th Cir. 1987)
- Blum v. Stenson, 465 U.S. 886, 896 n.11 (1984)
- In re Nucorp Energy, Inc., 764 F.2d 655, 659-60 (9th Cir. 1985)
- Gary v. Carbon Cycle Ariz. LLC, 398 F. Supp. 3d 468, 479, 487 (D. Ariz. 2019)
- Intel Corp. v. Terabyte Int'l, Inc., 6 F.3d 614, 622 (9th Cir. 1993)
- Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975)
- City of Burlington v. Dague, 505 U.S. 557 (1992)
- Ubinger v. Urb. Housekeeping LLC, No. CV-23-01802-PHX-ROS, 2024 WL 3045303, at *3 (D. Ariz. June 18, 2024)
- Delgado v. Fast Wireless LLC, No. CV-24-00203-PHX-JAT, 2025 U.S. Dist. LEXIS 2433, at *4-5 (D. Ariz. Jan. 7, 2025)
- Avila v. JBL Cleaning LLC, No. CV-23-00398-PHX-DJH, 2025 WL 755421, at *2 (D. Ariz. Mar. 10, 2025)
- Verduzco v. Value Dental Ctrs. Mesa W. AZ LLC, No. CV-20-02380-PHX-DJH, 2022 WL 2718163, at *2 (D. Ariz. July 12, 2022)
- Romero v. Synergy Restoration LLC, No. CV-24-01602-PHX-MTL, 2025 WL 509259, at *3 (D. Ariz. Feb. 14, 2025)
- Romero v. Steel Roots LLC, No. CV-23-01033-PHX-ROS, 2024 WL 2389353, at *2 (D. Ariz. May 23, 2024)
- Miles v. Thomas Suites Campus of Care LLC, No. CV-24-01286-PHX-SMM (JZB), 2025 WL 3251709, at *5 (D. Ariz. Nov. 3, 2025)
- Heredia v. IPVision Inc., No. CV-24-00116-TUC-RCC, 2024 WL 3951980, at *2 (D. Ariz. Aug. 27, 2024)
- Rios v. Lux Interior & Renovation LLC, No. CV-23-01686-PHX-DJH, 2026 U.S. Dist. LEXIS 60160, at *9-10, *12 (D. Ariz. Mar. 23, 2026)
- Lemus v. Blackrock CM Inc., No. CV-24-02561-PHX-JAT, 2025 WL 460548, at *3 (D. Ariz. Feb. 11, 2025)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1112 (9th Cir. 2008)
- Hensley v. Eckerhart, 461 U.S. 424, 435 (1983)
- Quesada v. Thomason, 850 F.2d 537, 539 (9th Cir. 1988)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

