

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jamie “Gem” Thompson v. Cosmoprof Inc.

Thompson · No. 2:25-cv-00079-APG-EJY · Decided December 29, 2025

SUMMARY

The United States District Court for the District of Nevada grants in part Jamie Thompson’s motion for default judgment against Cosmoprof Inc. The court awards \$14,864.00 in back pay, \$2,500.00 in emotional-distress damages, and \$10,000.00 in punitive damages under 42 U.S.C. § 1981a(b)(1). The court denies the requests for attorney fees and costs without prejudice because they were inadequately supported and directs the clerk to enter judgment for \$27,364.00.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 29, 2025
DOCKET	2:25-cv-00079-APG-EJY
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the clerk entered default against defendant. The court granted the motion in part, awarded specified damages, and denied requests for attorney fees and costs without prejudice.
STANDARD OF REVIEW	The court applied the Eitel factors governing motions for default judgment and evaluated the sufficiency and procedural propriety of the requests for attorney fees and costs.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default judgment
- default
- attorney fees
- costs
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- employment law
- remedies

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to default judgment and the requested back pay, compensatory damages, and punitive damages.
2. Whether plaintiff adequately supported a request for attorney fees under the applicable local rule and fee-calculation standards.
3. Whether plaintiff could recover costs through the motion for default judgment without filing the required bill of costs or providing sufficient information concerning taxable and nontaxable costs.

HOLDINGS

1. The motion for default judgment was properly granted in part, and plaintiff was entitled to \$14,864.00 in back pay, \$2,500.00 in compensatory damages for emotional distress, and \$10,000.00 in punitive damages.
2. The request for attorney fees was denied because the motion did not provide the substantive information, attorney affidavit, lodestar calculation, or discussion of the applicable factors required to evaluate the request.
3. The request for costs was denied without prejudice because the motion did not establish whether the claimed costs were taxable or nontaxable or otherwise provide sufficient information to evaluate recovery.

KEY QUOTATIONS

“Failure to provide the information required by subsections (a) and (b) in a motion for attorney’s fees may be deemed a consent to the denial of the motion.” (at 1)

“Taxable costs are taxed by the clerk of court rather than the judge.” (at 2)

FACTUAL BACKGROUND

Default was entered against Cosmoprof Inc. in an action brought by Jamie Thompson. Thompson sought back pay, emotional-distress damages, punitive damages, attorney fees, and costs through a motion for default judgment. The court awarded \$14,864.00 in back pay, \$2,500.00 in compensatory damages for emotional distress, and \$10,000.00 in punitive damages, but found the submissions inadequate to award attorney fees or costs through that motion.

PROCEDURAL HISTORY

Jamie Thompson moved for default judgment against Cosmoprof Inc. Default had previously been entered against Cosmoprof. The court determined that the Eitel factors supported most of the requested relief, directed entry of judgment for \$27,364.00, and denied the requests for attorney fees and costs without prejudice because the fee and cost submissions were procedurally and substantively inadequate.

DISPOSITION

CASES CITED

- Eitel v. McCool, 782 F.2d 1470 (9th Cir. 1986)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Kerr v. Screen Extras Guild, Inc., 526 F.2d 67, 70 (9th Cir. 1975)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 JAMIE “GEM” THOMPSON, Case No.: 2:25-cv-00079-APG-EJY 4 Plaintiff, Order Granting in Part Motion for Default Judgment 5 vs. [ECF No. 10] 6 COSMOPROF INC., 7 Defendant. 8 9 Jamie Thompson moves for default judgment. ECF No. 10. Default has been entered 10 against Cosmoprof Inc. ECF No. 8.

The motion satisfies the factors set forth in Eitel v. McCool, 11 782 F.2d 1470 (9th Cir. 1986) for most of the relief requested. Thompson is entitled to back pay 12 in the amount of \$14,864.00, compensatory damages for her emotional distress in the amount of 13 \$2,500.00, and punitive damages under 42 U.S.C. §1981a(b)(1) in the amount of \$10,000.00. 14 However, I deny Thompson’s request for attorney fees as those are not adequately 15 supported in the motion.

Local Rules 54-14(a) and (b) require that a motion for attorney fees be 16 supported by substantive information and an affidavit from the attorney responsible for billing. 17 “Failure to provide the information required by subsections (a) and (b) in a motion for attorney’s 18 fees may be deemed a consent to the denial of the motion.” LR 54-14(c).

In addition, the request 19 for attorney fees must provide the “lodestar” calculation set forth in Hensley v. Eckerhart, 461 20 U.S. 424, 433 (1983) and address the factors articulated in Kerr v. Screen Extras Guild, Inc., 526 21 F.2d 67, 70 (9th Cir. 1975). Thompson’s motion provides none of this information. 22 For similar reasons, I deny Thompson’s request for an award of her costs.

Federal Rule 23 of Civil Procedure 54(d) contains two separate provisions for costs. Taxable costs are taxed by the clerk of court rather than the judge. Fed. R. Civ. P. 54(d)(1); LR 54-1. To request taxable 2|| costs, the prevailing party must file a bill of costs with the clerk. LR 54-1.

The categories of 3|| taxable costs are circumscribed by 28 U.S.C. § 1920. See also LR 54-1. For example, filing fees and service of process expenses are taxable costs. See 28 U.S.C. § 1920(1). By contrast, nontaxable costs are recoverable on a motion for attorney’s fees. Fed. R. Civ. P. 54(d) (2) (“claim 6|| for attorney’s fees and related nontaxable expenses”); see also LR 54-14(a)(2) (a motion for 7|| attorney’s fees must include “[a]n itemization of all costs sought to be charged as part of the fee award and not otherwise taxable pursuant to LR 54-1 through 54-13”).

Copy, postage, travel, research, and Pacer expenses are nontaxable costs. Because Thompson's motion is devoid of 10] any of this information, I cannot evaluate whether her costs are recoverable through this motion. 11]I therefore deny it without prejudice. 12 I THEREFORE ORDER that the motion for default judgment (ECF No. 10) is granted part.

The clerk of the court is directed to enter judgment in favor of plaintiff Jamie 14! Thompson and against defendant Cosmoprof Inc. in the amount of \$27,364.00 (\$14,864.00 for back pay, \$2,500.00 for emotional distress damages, and \$10,000.00 for punitive damages). 16 I FURTHER ORDER that Thompson's request for attorney fees and costs is denied 17] without prejudice to seeking those amounts through a proper motion and bill of costs.

18 DATED this 29th day of December, 2025. 19 ☐ ☐ ANDREW P. GORDON >] CHIEF UNITED STATES DISTRICT JUDGE 22 23