

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Pension Benefit Guaranty Corporation v. Ward Technical Products,
Inc.**

Pension Benefit Guaranty Corp. · No. 2:22-cv-02312-DAD-SCR · Decided June 26, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 PENSION BENEFIT GUARANTY No. 2:22-cv-02312-DAD-SCR
CORPORATION, 12 Plaintiff, 13 ORDER ADOPTING IN FULL FINDINGS v. AND
RECOMMENDATIONS AND 14 GRANTING PLAINTIFF'S MOTION FOR WARD
TECHNICAL PRODUCTS, INC, DEFAULT JUDGMENT 15 Defendant. (Doc. Nos. 13, 20) 16
17 18 On December 29, 2022, plaintiff Pension Benefit Guaranty Corporation filed this civil 19
action against defendant Ward Technical Products, Inc. (Doc.

No. 1.) On April 14, 2023, the 20 court issued an order granting plaintiff's ex parte application to
serve defendant through the 21 California Secretary of State. (Doc. No. 9 at 6.) The Clerk of the
Court entered default as to 22 defendant because it was served with the summons and complaint
and did not file a timely 23 answer, responsive pleading, or otherwise appear in this action.

(Doc. Nos. 10, 11, 12.) On 24 June 28, 2023, plaintiff filed the pending motion for default
judgment. (Doc. No. 13.) This 25 matter was referred to a United States Magistrate Judge pursuant
to 28 U.S.C. § 636 and Local 26 Rule 302.1 27 1 On August 6, 2024, this case was reassigned to
United States Magistrate Judge Sean C. 28 Riordan. (Doc. No. 18.) 1 On December 27, 2024, the
assigned magistrate judge issued findings and 2 recommendations recommending that plaintiff's
motion for default judgment be granted.

(Doc. 3 No. 20 at 7.) Specifically, the magistrate judge concluded that denial of the pending
motion 4 would leave plaintiff without a remedy; that plaintiff has sufficiently alleged its claims
and that 5 those claims have merit; that plaintiff does not seek a monetary award; that there
appears to be no 6 possibility for a dispute of material fact in light of defendant's corporate status
being suspended 7 and the death of defendant's owner; that is unlikely under the circumstances
that defendant's 8 inaction was the result of excusable neglect; and that defendant's failure to
appear has made a 9 judgment on the merits impossible.

(Id. at 3–6.) As a result, the magistrate judge concluded that 10 the Eitel factors weigh in favor of
granting the pending motion for default judgment. See Eitel v. 11 McCool, 782 F.2d 1470, 1471–
72 (9th Cir. 1986).

The magistrate judge therefore recommended 12 that the court issue an order entering judgment and ordering that the SPI Control Systems Pension 13 Plan (“the Pension Plan”) be terminated pursuant to 29 U.S.C. § 1342(c); that plaintiff be 14 appointed as statutory trustee of the Pension Plan pursuant to 29 U.S.C. § 1342; that May 31, 15 2019 be established as the termination date of the Pension Plan pursuant to 29 U.S.C. 16 § 1348(a)(4); and that defendant and any other person or entity having possession, custody, or 17 control of any records, assets, or other property of the Pension Plan be directed to transfer, 18 convey, and deliver all such records, assets, and other property to plaintiff as statutory trustee of 19 the Pension Plan upon request under 29 U.S.C. § 1342(d)(1).

(Doc. No. 20 at 7.) 20 The pending findings and recommendations were served on the parties and contained 21 notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 22 7–8.)

To date, no objections to the findings and recommendations have been filed, and the time 23 in which to do so has long since passed. 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a 25 de novo review of the case.

Having carefully reviewed the entire file, the court concludes that the 26 findings and recommendations are supported by the record and by proper analysis. 27 ///// 28 ///// 1 Accordingly: 2 1. The findings and recommendations issued on December 27, 2024 (Doc. No. 20) 3 are ADOPTED in full; 4 2. Plaintiff’s motion for default judgment (Doc. No. 13) is GRANTED; 5 a. Plaintiff is appointed as statutory trustee of the SPI Control Systems 6 Pension Plan (“the Pension Plan”) pursuant to 29 U.S.C. § 1342; 7 b. The Pension Plan is terminated pursuant to 29 U.S.C. § 1342(c); 8 Cc.

It is established that May 31, 2019 is the termination date of the Pension 9 Plan pursuant to 29 U.S.C. § 1348(a)(4); 10 d. Defendant and any other person or entity having possession, custody, or 11 control of any records, assets, or other property of the Pension Plan is 12 directed to transfer, convey, and deliver all such records, assets, and other 13 property to plaintiff as statutory trustee of the Pension Plan upon request 14 under 29 U.S.C. § 1342(d)(1); and 15 3.

The Clerk of the Court is directed to close this case. 16 IT IS SO ORDERED. 'T | Dated: _ June 25, 2025 Dae A. 2, eyel 18 DALE A. DROZD 19 UNITED STATES DISTRICT JUDGE 20 21 22 23 24 25 26 27 28