

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

American Zurich Insurance Company v. ESG Republic, Inc.

No. 1:23-cv-00643-KES-CDB (E.D. Cal. June 26, 2025) · No. 1:23-cv-00643-KES-CDB · Decided June 27, 2025

SUMMARY

The United States District Court for the Eastern District of California entered judgment pursuant to the parties’ stipulation against defendant Jeffrey D. Thorn in favor of American Zurich Insurance Company. The judgment awarded \$177,120.32, consisting of \$174,764.32 due under the settlement agreement and \$2,356.00 in attorneys’ fees.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 27, 2025
DOCKET	1:23-cv-00643-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The parties stipulated to entry of judgment against defendant Jeffrey D. Thorn in the event of default under their settlement agreement. The court reviewed the stipulation, the supporting affidavit, and plaintiff's request for attorneys' fees, and entered judgment.
PRECEDENTIAL VALUE	Nonprecedential district court order and judgment

TOPICS

- default judgment
- attorney fees
- civil procedure
- contracts
- commercial litigation

PRACTICE AREAS

- civil procedure
- contracts
- insurance
- remedies
- commercial litigation

QUESTIONS PRESENTED

1. Whether the court should enter the stipulated judgment against Jeffrey D. Thorn upon default under the settlement agreement.

2. Whether plaintiff should recover attorneys' fees incurred to enforce the settlement agreement and, if so, in what amount.

HOLDINGS

1. The court entered judgment in favor of American Zurich Insurance Company and against Jeffrey D. Thorn pursuant to the parties' stipulation and settlement agreement.
2. Plaintiff was entitled to recover \$2,356.00 in attorneys' fees, representing a twenty-percent reduction of the amount supported by counsel's hourly rate and claimed hours because counsel did not provide itemized time documentation.

KEY QUOTATIONS

“As such, the Court will reduce the amount of the attorney fee award by 20%; the Court determines that the remaining amount for attorney’s fees is reasonable under the circumstances.” (1)

“Judgment is entered in favor of plaintiff AMERICAN ZURICH INSURANCE COMPANY and against defendant JEFFREY D. THORN for \$177,120.32 in damages” (1)

FACTUAL BACKGROUND

Under the parties' settlement agreement, defendant Jeffrey D. Thorn became liable for the settlement amount, and the agreement permitted plaintiff to recover attorneys' fees incurred in enforcing the settlement. Plaintiff submitted a stipulation for entry of judgment and an affidavit from counsel Lincoln V. Horton supporting the fee request. Horton requested compensation for 9.5 hours at an hourly rate of \$310 but did not provide itemized documentation of the time spent.

PROCEDURAL HISTORY

American Zurich Insurance Company sought enforcement of a settlement agreement in this diversity action. The parties submitted a stipulation providing for entry of judgment against Jeffrey D. Thorn upon default. The district court found just cause to enter the stipulated judgment, reduced the requested attorneys' fees by twenty percent because counsel did not provide itemized time records, and entered judgment for \$177,120.32.

DISPOSITION

other

CASES CITED

- Perkins v. City of Modesto, No. 1:19-cv-00126-LJO-EPG, 2020 WL 4547325, at *2 (E.D. Cal. Aug. 6, 2020)
- Cara v. Salley, No. 2:23-CV-00803-LK, 2024 WL 1859854, at *7 (W.D. Wash. Apr. 29, 2024)
- Jean-Louis v. City of Riverside, No. EDCV 13-01059 MMM ASx, 2015 WL 13907456, at *3 (C.D. Cal. Feb. 3, 2015)

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