

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Saša Maslic, individually and on behalf of a certified class; Ivan Drzaic; Robert Hernaus; Leopold Hubek; Leon Hudoletnjak; Elvis Koscak; Tomica Panic; Stjepan Papes; Željko Puljko; Darko Šincek; David Štante; Nedeljko Živanic; Gogo Rebic; and Mitja Pogorevc v. ISM Vuzem d.o.o.; ISM Vuzem USA, Inc.; Vuzem USA, Inc.; HRID-Mont d.o.o.; Ivan Vuzem; Robert Vuzem; Eisenmann Corporation; and Tesla, Inc.

Maslic v. ISM Vuzem d.o.o., Case No. 21-cv-02556-BLF (N.D. Cal. Nov. 6, 2025) · No. 21-cv-02556-BLF · Decided November 6, 2025

SUMMARY

The United States District Court for the Northern District of California granted in part Plaintiffs’ motion for attorneys’ fees following default judgments against the Vuzem Defendants and Eisenmann Corporation for wage-and-hour violations and human trafficking. The Court awarded \$438,275 in attorneys’ fees, excluding fees incurred in a separate action and fees related to Tesla’s motion for summary judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Beth Labson Freeman                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Northern District of California                                                                                                                                                                                                                                                                                                       |
| DECIDED               | November 6, 2025                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 21-cv-02556-BLF                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Plaintiffs moved for attorneys' fees after obtaining default judgment on federal and state wage-and-hour claims and a human-trafficking claim. The court considered the motion, declined to consider the opposition filed by defaulting defendants that had not moved to set aside default, calculated the lodestar, apportioned the fees, and granted the motion in part. |

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|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDARD OF REVIEW</b> | The court independently reviewed the reasonableness of the requested attorneys' fees and applied the lodestar method, multiplying reasonable hours by reasonable hourly rates, with any warranted adjustment.                                                                                                                                           |
| <b>PRECEDENTIAL VALUE</b> | unpublished district court order; nonprecedential                                                                                                                                                                                                                                                                                                       |
| <b>PARTIES</b>            | Saša Maslic, Ivan Drzaic, Robert Hernaus, Leopold Hubek, Leon Hudoletnjak, Elvis Koscak, Tomica Panic, Stjepan Papes, Željko Puljko, Darko Šincek, David Štante, Nedeljko Živanic, Gogo Rebic, Mitja Pogorevc v. ISM Vuzem d.o.o., ISM Vuzem USA, Inc., Vuzem USA, Inc., HRID-Mont d.o.o., Ivan Vuzem, Robert Vuzem, Eisenmann Corporation, Tesla, Inc. |

## TOPICS

attorney fees   default judgment   wage and hour   flsa   remedies

## PRACTICE AREAS

employment law   civil procedure   remedies   commercial litigation

## QUESTIONS PRESENTED

1. Whether defaulting defendants that had not moved to set aside entry of default or default judgment could oppose plaintiffs' motion for attorneys' fees.
2. Whether plaintiffs were entitled to recover reasonable attorneys' fees under the FLSA, California Labor Code, and TVPRA.
3. Whether the hours claimed and hourly rates were reasonable under the lodestar method.
4. Whether fees incurred in a different action, or in litigating Tesla's summary-judgment motion, could be recovered from the Vuzem Defendants or Eisenmann.
5. Whether the fee award should be apportioned among the Vuzem Defendants and Eisenmann.

## HOLDINGS

1. A defendant whose default and default judgment have not been set aside is not entitled to file opposition to a post-judgment motion.
2. Plaintiffs were entitled to recover reasonable attorneys' fees incurred litigating the FLSA, specified California Labor Code, and TVPRA claims on which they obtained default judgment.
3. The reasonable lodestar was \$438,275, based on 863 attorney hours at \$400 per hour and 1,241 paralegal hours at \$75 per hour, without an upward or downward adjustment.
4. The fee award was apportioned according to the defendants against whom the work was pursued: \$388,325 jointly and severally against the Vuzem Defendants and Eisenmann, \$26,250 against the Vuzem Defendants only, and \$23,700 against Eisenmann only.

## KEY QUOTATIONS

*“The Clerk of Court’s entry of default cuts off a defendant’s right to appear in an action.”* (at 4)

*“A defendant’s remedy if a defendant wants to set aside default . . . is for the defendant to file a motion to set aside entry of default pursuant to Rule 55(c) of the Federal Rules of Civil Procedure.”* (at 5)

*“The Court is at a loss to understand why Plaintiffs in the present action are seeking recovery of attorneys’ fees in this action for work performed by Hunter Pyle Law in the Lesnik action.”* (at 8)

*“The Court may adjust the lodestar up or down in appropriate circumstances, to account for factors that are not subsumed within the lodestar calculation.”* (at 11)

## FACTUAL BACKGROUND

Plaintiffs alleged that the Vuzem Defendants transported workers from Bosnia and Herzegovina, Slovenia, and Croatia to the United States and supplied their labor to American companies. Plaintiffs allegedly worked long hours at Tesla's Fremont facility, were paid flat monthly amounts, and did not receive legally required minimum or overtime wages, meal and rest breaks, or accurate wage statements. The court entered default judgment on wage-and-hour and human-trafficking claims and plaintiffs then sought \$575,077.50 in attorneys' fees.

## PROCEDURAL HISTORY

Plaintiffs brought individual and class claims against foreign labor contractors and American companies. The court certified a California wage-and-hour class, dismissed several defendants including Tesla, remanded one California Labor Code claim to state court, entered defaults against the Vuzem Defendants and Eisenmann, and entered default judgment exceeding \$13 million. After granting leave to seek fees, the court awarded \$438,275 in attorneys' fees and directed plaintiffs to file an amended default judgment.

## DISPOSITION

other

## CASES CITED

- Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 978-79 (9th Cir. 2008)
- Ketchum v. Moses, 24 Cal. 4th 1122, 1134 (2001)
- Hensley v. Eckerhart, 461 U.S. 424, 433-34, 437 (1983)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1111 (9th Cir. 2008)
- Verliant Energy, Inc. v. Barry, No. 14-CV-02443-JST, 2015 WL 12990196, at \*3 (N.D. Cal. Mar. 31, 2015)
- Welter v. Hurt, No. 2:23-CV-02627-SPG-MAR, 2024 WL 5372399, at \*1 n.1 (C.D. Cal. Dec. 16, 2024)
- Transamerica Life Ins. Co. v. Shubin, No. 1:11-CV-01958-LJO, 2012 WL 5364645, at \*2 (E.D. Cal. Oct. 31, 2012)
- Oliver v. All-Pro Bail Bonds, Inc., No. 17-CV-1294-AJB-NLS, 2017 WL 11421541, at \*1 (S.D. Cal. Aug. 16, 2017)
- Port of Stockton v. W. Bulk Carrier KS, 371 F.3d 1119, 1122 (9th Cir. 2004)

- *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1121 (9th Cir. 2000)
- *Missouri v. Jenkins by Agyei*, 491 U.S. 274, 287 (1989)
- *Fleming v. Covidien, Inc.*, No. CV 10-01487-RGK-OP, 2013 WL 12246624, at \*5 (C.D. Cal. Nov. 7, 2013)
- *Moralez v. Monterey Plaza Hotel Ltd. P'ship*, No. 22-CV-07540-SK, 2025 WL 2469334, at \*2 (N.D. Cal. Aug. 27, 2025)
- *Novoselac v. Vuzem*, No. 21-CV-08654-BLF, 2023 WL 3899011, at \*11 (N.D. Cal. June 7, 2023)
- *El-Hakem v. BJY Inc.*, 415 F.3d 1068, 1075 (9th Cir. 2005)
- *Corder v. Gates*, 947 F.2d 374, 383 (9th Cir. 1991)
- *Jones v. Espy*, 10 F.3d 690, 691 (9th Cir. 1993)
- *Pavillard v. Ignite Int'l, Ltd.*, No. 22-55633, 2023 WL 7981823, at \*1 (9th Cir. Nov. 17, 2023)

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