

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Atlas Lifting & Rigging, LLC v. Berner

Atlas Lifting · No. 2:23-cv-0808 KJM AC · Decided September 2, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge's findings and recommendations concerning plaintiff's motion for default judgment. The court granted default judgment against Synergy Marketing and Sales, Inc. in the amount of \$706,243.25 and referred the claims against pro se defendant Trevor Berner back to the magistrate judge for further proceedings.

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	September 2, 2025
DOCKET	2:23-cv-0808 KJM AC
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning plaintiff's motion for default judgment. No party filed objections.
STANDARD OF REVIEW	The district court presumed the magistrate judge's factual findings correct and reviewed the magistrate judge's legal conclusions de novo.
PRECEDENTIAL VALUE	Unknown
PARTIES	Atlas Lifting & Rigging, LLC v. Trevor Berner, Synergy Marketing and Sales, Inc.

TOPICS

- default judgment
- default
- civil procedure
- commercial litigation
- damages

PRACTICE AREAS

- civil procedure
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted in the absence of objections.
2. Whether plaintiff was entitled to default judgment against Synergy.
3. What relief should be entered against Synergy and how the claims against Trevor Berner should proceed.

HOLDINGS

1. In the absence of objections, the district court presumed the magistrate judge's factual findings correct and reviewed the legal conclusions de novo; after review, it adopted the findings and recommendations in full.
2. Plaintiff's June 3, 2025 motion for default judgment was granted, and judgment was entered against Synergy in the amount of \$706,243.25.

KEY QUOTATIONS

“The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo.” (1)

FACTUAL BACKGROUND

The opinion contains no substantive facts concerning the underlying commercial dispute. It reflects that plaintiff moved for default judgment against defendants and that the magistrate judge issued findings and recommendations addressing that motion. The district court entered judgment against Synergy in the amount of \$706,243.25 while claims against Trevor Berner remained pending.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge under Local Rule 302(c)(19). On July 18, 2025, the magistrate judge issued findings and recommendations, which were served with notice that objections were due within twenty-one days. No objections were filed. The district court adopted the findings and recommendations in full, granted plaintiff's motion for default judgment against Synergy, entered judgment for \$706,243.25, and referred the claims against pro se defendant Trevor Berner back to the magistrate judge for further proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred back to the assigned magistrate judge for further proceedings concerning the claims against pro se defendant Trevor Berner.

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)

- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

(PS) Atlas Lifting & Rigging, LLC v. Berner

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ATLAS LIFTING & RIGGING, LLC, No. 2:23-cv-0808 KJM AC

12 Plaintiff, 13 v. ORDER

14 TREVOR BERNER and SYNERGY

MARKETING AND SALES, INC.,

15 Defendants. 16

17 The matter was referred to a United States Magistrate Judge under Local Rule 302(c)(19). 18
On July 18, 2025, the magistrate judge filed findings and recommendations, which were 19 served
on all parties and which contained notice to all parties that any objections to the findings 20 and
recommendations were to be filed within twenty-one days. ECF No. 24. Neither party has 21 filed
objections to the findings and recommendations. 22 The court presumes that any findings of fact
are correct. See Orand v. United States, 23 602 F.2d 207, 208 (9th Cir. 1979). The magistrate
judge's conclusions of law are reviewed de 24 novo. See Robbins v. Carey, 481 F.3d 1143, 1147
(9th Cir. 2007) (“[D]eterminations of law by 25 the magistrate judge are reviewed de novo by both
the district court and [the appellate] court 26 . . .”). Having reviewed the file, the court finds the
findings and recommendations to be 27 supported by the record and by the proper analysis. 28 ////

1 Accordingly, IT IS HEREBY ORDERED that: 2 1. The findings and recommendations filed July
18, 2025, are adopted in full; 3 2. Plaintiff's June 3, 2025 motion for default judgment (ECF No.
22) is granted; 4 3. Judgment is entered against defendant Synergy in the amount of \$706,243.25;
and 5 4. The matter is referred back to the assigned Magistrate Judge for further proceedings in 6
connection with the claims against pro se defendant Trevor Berner. 7 DATED: August 29, 2025. 8
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28