

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jodie Scribner v. Pollack & Rosen, P.A.

Scribner · No. 2:25-cv-01487-CKD · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Jodie Scribner’s motion for default judgment against Pollack & Rosen, P.A. The court found that although subject-matter jurisdiction, personal jurisdiction, and service appeared adequate, the motion was deficient because it lacked legal analysis, argument, and supporting authority.

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	December 15, 2025
DOCKET	2:25-cv-01487-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the clerk entered default against defendant in an action alleging violations of the Fair Debt Collection Practices Act and California's Rosenthal Fair Debt Collection Practices Act.
STANDARD OF REVIEW	A district court exercises discretion in deciding whether to grant default judgment. Before entering default judgment, the court must independently examine subject-matter jurisdiction, personal jurisdiction, and service of process. The court considers the Eitel factors, and well-pleaded allegations are accepted as true after default except allegations concerning damages.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Jodie Scribner v. Pollack & Rosen, P.A.

TOPICS

- default judgment
- fair debt collection
- subject matter jurisdiction
- personal jurisdiction
- service of process

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court had subject-matter and personal jurisdiction and whether defendant was properly served for purposes of considering default judgment.
2. Whether plaintiff's motion for default judgment was legally and procedurally sufficient to support entry of judgment and an award of damages, fees, and costs.
3. Whether default judgment should be granted under the applicable Rule 55 and Eitel standards.

HOLDINGS

1. Before entering default judgment, the court must independently determine that it has subject-matter jurisdiction and personal jurisdiction over the defaulting defendant and that service of process was proper.
2. A motion for default judgment must provide legal argument, analysis, and supporting authority sufficient to demonstrate that the pleaded claims are legally sufficient and that the requested relief is warranted; a motion containing none of these was properly denied without prejudice.

KEY QUOTATIONS

“As a general rule, once default is entered, well-pleaded factual allegations in the operative complaint are taken as true except for the allegations relating to damages.” (at 2)

“Plaintiff’s motion is three pages long, and has no argument, legal analysis, or citation to legal authority supporting the motion.” (at 4)

“The Court therefore denies Plaintiff’s deficient motion for default judgment without prejudice.” (at 5)

FACTUAL BACKGROUND

Plaintiff alleged that she incurred a \$3,696 consumer debt to eBay and that defendant, a Florida debt-collection law firm, acquired the right to collect it. Defendant allegedly sent plaintiff a digital debt-collection communication on or about March 18, 2025, without including its debt-collection license number. Plaintiff alleged that this conduct violated the FDCPA and the Rosenthal Act and sought statutory and actual damages, fees, and costs.

PROCEDURAL HISTORY

Scribner filed the complaint on May 28, 2025, and served defendant through its registered agent on June 9, 2025. The clerk entered default on September 4, 2025. Plaintiff then moved for default judgment; the court denied the motion without prejudice because it lacked legal argument, analysis, and supporting authority.

DISPOSITION

other

CASES CITED

- Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir. 1980)
- TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987) (per curiam)
- Geddes v. United Fin. Grp., 559 F.2d 557, 560 (9th Cir. 1977) (per curiam)
- Fair Housing of Marin v. Combs, 285 F.3d 899, 906 (9th Cir. 2002)
- Cripps v. Life Ins. Co. of N. Am., 980 F.2d 1261, 1267 (9th Cir. 1992)
- Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)
- In re Tuli, 172 F.3d 707, 712 (9th Cir. 1999)
- S.E.C. v. Ross, 504 F.3d 1130, 1138-39 (9th Cir. 2007)
- S.A. ex rel. L.A. v. Exeter Union Sch. Dist., 2009 WL 1953462, at *3 (E.D. Cal. July 7, 2009)
- Szabo v. Southwest Endocrinology Assoc. PLLC, 2021 WL 3411084, at *1 (D. Ariz. July 27, 2021)
- Studio 010 Inc. v. Digital Cashflow LLC, 2024 WL 2274320, at *2 (W.D. Wash. May 20, 2024)
- Very Music Inc. v. Kid Glove Prods., Inc., 2016 WL 6674991, at *3 (C.D. Cal. Apr. 28, 2016)
- Surtain v. Hamlin Terrace Found., 789 F.3d 1239, 1245 (11th Cir. 2015)
- Nat'l Auto Grp., Inc. v. Van Devere, Inc., 2022 WL 80324, at *2 (N.D. Ohio Jan. 7, 2022)
- IOU Cent., Inc. v. Kailani Tours Hawai, LLC, 2021 WL 806340, at *2 (N.D. Ga. Feb. 24, 2021)
- Garcia v. Client Resol. Mgmt., LLC, 2020 WL 2732345, at *3 (S.D. Fla. May 26, 2020)
- International Shoe Co. v. State of Washington, Int'l Shoe Co. v. State of Wash., Office of Unemployment Comp. & Placement, 326 U.S. 310, 316 (1945)