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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AUTOMATTIC INC., et al.,

Plaintiffs,

v.

NICK STEINER,

Defendant.

No. C 13-5413 PJH

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; ORDER
GRANTING MOTION FOR DEFAULT
JUDGMENT**

The court has reviewed Magistrate Judge Joseph C. Spero's report and recommendation regarding plaintiffs' motion for default judgment. The report and recommendation was filed on October 6, 2014. During the intervening time, plaintiffs Automattic, Inc. ("Automattic") and Oliver Hotham ("Hotham") have been attempting to serve defendant Nick Steiner (who resides in the United Kingdom) with a copy of the report and recommendation, but have to date been unsuccessful.

Although defendant was not served with the report and recommendation, and thus did not file any objections, the court is satisfied by Judge Spero's detailed findings that the summons and complaint were properly served on defendant. There is no clear requirement in 28 U.S.C. § 636(b) that a report and recommendation be served on the opposing party. However, the court normally requests that the moving party do so, out of an abundance of caution. In this case, given that defendant was properly served (notwithstanding the difficulty of service in the U.K. under the Hague Convention) yet chose to default, the court will require no further expenditure of resources.

1 The court finds the report correct, well-reasoned and thorough, and adopts it in
2 every respect. Accordingly, plaintiffs' motion for default judgment is GRANTED. Judgment
3 shall be entered for the plaintiffs, and the court awards plaintiffs damages in the amount of
4 \$960.00 for Hotham's work and time, \$1,860.00 for time spent by Automattic's employees,
5 and \$22,264.00 for Automattic's attorney's fees, for a total of \$25,084.00.

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7 **IT IS SO ORDERED.**

8 Dated: March 2, 2015

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PHYLLIS J. HAMILTON
United States District Judge

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