

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

_____)	
AF HOLDINGS, LLC,)	
)	
Plaintiff/Counter-Defendant,)	
v.)	Civil Action No. 3:12-cv-01401-JBA
)	
ELLIOT OLIVAS,)	
)	JUNE 26, 2013
Defendant/Counter-Plaintiff.)	
_____)	

MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55(b)(1); Rule 37(b); and 41(b) of the Federal Rules of Civil Procedure, the Defendant, Elliot Olivas, hereby moves the Court for entry of a default judgment with prejudice against the Plaintiff AF Holdings based upon the Plaintiff’s failure to timely answer Defendant’s counterclaims. In support of this Motion, the Defendant avers as follows:

1. On October 1, 2012, Plaintiff instituted this action against the Defendant alleging copyright infringement, contributory infringement and civil conspiracy.
2. On January 4, 2013, Plaintiff completed service on the Defendant.
3. On January 25, 2013, the Defendant filed and served his Answer and Counterclaims upon the Plaintiff.
4. On March 20, 2013, a pre-filing conference was held before this Court. During the conference, Plaintiff represented it would be filing a motion to dismiss Defendant’s counterclaims.
5. On March 21, 2013, the Court issued a Scheduling Order requiring Plaintiff to file its motion to dismiss by April 4, 2013.
6. To date, the Plaintiff has neither answered the Complaint nor indicated to Defendant any intention to do so, and the time for answering the Complaint has expired.
7. On April 3, 2013, Defendant attempted to discuss with Plaintiff initial disclosures under Rule 26(a)(1) and delivered a letter to that effect.
8. On June 4, 2013, Defendant contacted Plaintiff to inquire about his 26(f) Proposed Joint Pretrial Discovery Schedule.

9. Plaintiff has not responded either discovery request other than to inform Defendant that the matter was forwarded to Paul Duffy of Prenda Law, Inc.
10. Pursuant to Fed.R.Civ.P. 4(a) and 55(a), the Defendant asks the Court 1) to enter default with prejudice against the Plaintiff, for the relief demanded in the Counterclaims; 2) to allow Defendant limited discovery for purposes of determining the Plaintiff's assets; 3) to allow Defendant limited discovery for purposes of determining who controls the finances of the Plaintiff; and 4) pursuant to Fed.R.Civ.P. 55(b)(2), the Court give notice of and conduct a hearing as necessary and proper to determine the amount of damages properly due the Defendant.

Dated: June 27, 2013

Respectfully,

s/ Jason Sweet
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Counsel for Elliot Olivas

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2013, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.

s/ Jason Sweet
Jason E. Sweet