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8 *Attorney for Plaintiff*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 PATRICK COLLINS, INC.,

12 Plaintiff.

13 v.

14 JOHN DOE 6, CHRISTIE DURLAO AND
15 CHING YUN AGUIRRE,

16 Defendants.

Case No. 2:11-cv-01602-GMS

**MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

17 Plaintiff, PATRICK COLLINS, INC. (“Plaintiff”), by and through undersigned
18 counsel, and pursuant to Fed.R.Civ.P. 55, hereby files its Motion for Entry of Default
19 Judgment (“Motion”) against Defendant, CHRISTIE DURLAO (“Defendant”), and in
20 support thereof, states:

- 21 1. On August 15th, 2011, Plaintiff filed its Complaint in this action.
- 22 2. On January 7th, 2012 Plaintiff filed its Amended complaint.
- 23 3. On January 10th, 2012, Defendant, CHRISTIE DURLAO was served with
24 the summons and Amended Complaint.
4. Defendant failed to plead or otherwise defend against Plaintiff’s Amended
Complaint.

1 5. On April 12th, 2012, Plaintiff filed and served a request that the Clerk of
2 the Court enter Defendant's default pursuant to Fed.R.Civ.P. 55(a).

3 6. Default was entered as to Defendant on April 13th, 2012.

4 7. Defendant is not a minor or incompetent person. *See* Decl. of Ryan J.
5 Stevens.

6 8. This Motion is based on the allegations in Plaintiff's Amended Complaint.
7 Defendant has admitted all of the facts alleged therein by failing to plead or otherwise
8 respond to the Amended Complaint. *See Ortiz-Gonzalez v. Fonovisa*, 277 F.3d 59, 62-63
9 (1st Cir. 2002) ("A defaulting party is taken to have conceded the truth of the factual
10 allegations in the complaint as establishing the grounds for liability as to which damages
11 will be calculated.") (internal quotation marks and citation omitted).

12 9. This Motion is further based on the facts attested to in the Declaration of
13 Ryan J. Stevens, Esq. and the Memorandum of Points and Authorities in Support of
14 Motion for Entry of Default Judgment filed contemporaneously herewith, and the record
15 of the proceedings and papers on file herein. These materials are sufficient to justify the
16 requested relief.

17 **WHEREFORE**, Plaintiff, PATRICK COLLINS, INC., respectfully requests entry
18 of a default judgment and in favor of Plaintiff and against the Defendant, in the form of
19 the Proposed Default Judgment and Permanent Injunction attached hereto, and for such
20 other and further relief this Court deems just and proper.

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Dated: April 26, 2012.

Respectfully submitted,

/s/ Ryan J. Stevens
Ryan J. Stevens
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CERTIFICATE OF SERVICE

I hereby certify that on April 26th, 2012 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on Defendant, Christie Dumlao by US mail to: 2390 E. Indian Wells Derive. Chandler, AZ 85249 and E-mail: scarlettladybug@hotmail.com.

/s/ Ryan J. Stevens
Ryan J. Stevens