

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CP PRODUCTIONS, INC.,

Plaintiff,

v.

GERALD L. GLOVER, III,

Defendant.

CASE NO. 1:12-cv-00808-JMS-DML

Judge: Hon. Jane E. Magnus-Stinson

Magistrate: Hon. Debra McVicker Lynch

**PLAINTIFF'S 2ND REQUEST
TO ENTER DEFAULT**

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Plaintiff CP Productions, Inc., by and through its counsel hereby renews its request that the Court enter default in this matter pursuant to Federal Rule of Civil Procedure 55(a) against Defendant Gerald L. Glover, III (öDefendant Gloverö). Defendant Glover failed to appear or otherwise response to Plaintiff's Amended Complaint within the time prescribed by Federal Rule of Civil Procedure 12(a). Defendant Glover was personally served with the summons and amended complaint on November 16, 2012. (*See* Ex. A Proof of Service, attached hereto); (Decl. of Matthew E. Dumas ¶¶ 2-3, attached hereto as Ex. B).

Despite being properly served, Defendant Glover has not responded, either through an answer or a motion, nor has Defendant Glover appeared in this case. (Decl. of Matthew E. Dumas ¶ 4.) Further, Defendant Glover is neither a minor nor an incompetent person. (*Id.* ¶ 5.) For the foregoing reasons, Plaintiff respectfully requests that the Clerk of Court enter default as to Defendant Glover.

The Court denied Plaintiff's original request to enter default because öPlaintiff has failed to include the affidavit required by the Servicemembers Civil Relief Act, 50 USC Appx. § 521.

If Plaintiff does not know the individual Defendant's military status, it must consult the website the Department of Defense maintains so the public may comply with the Act. (ECF No. 20.) Plaintiff is unable to obtain this information from the Department of Defense website because it requires information inaccessible to Plaintiff, namely Defendant's social security number and date of birth. Plaintiff, however, conducted its own investigation and determined that Defendant is not active in military service. (Decl. of Matthew E. Dumas ¶ 5.) This investigation is further substantiated based on the fact that Defendant was *personally* served at his residence. (*Id.*); (*see also* Ex. A.)

Respectfully submitted,

CP Productions, Inc.

DATED: January 28, 2013

By: /s/ Matthew E. Dumas
Matthew E. Dumas, Esq. (Bar # 24596-49)
HOSTETTER & O'HARA
515 N. Green Street, Suite 200
Brownsburg, IN 46112-2115
Phone: 317-852-2422
Fax: 317-852-3748
E-mail: matt@hostetter-ohara.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 28, 2013, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system. In addition, Defendant Gerald L. Glover, III was served by U.S. mail postage prepaid consistent with the Federal Rules of Civil Procedure at the following last known residential address:

Gerald L. Glover, III
5846 Hartle Drive
Indianapolis, IN 46216

/s/ Matthew E. Dumas
MATTHEW E. DUMAS