

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

ANNE MARTINEZ, individually and)
on behalf of all other persons similarly)
situated,)

Plaintiffs,)

v.)

REGISTERFLY, INC.,)

UNIFIEDNAMES, INC.,)

HOSTING SERVICES GROUP,)

INC., KEVIN MEDINA, in his)

personal capacity and as an agent of)

RegisterFly, Inc., and as an agent of)

UnifiedNames, Inc., JOHN)

NARUSZEWICZ, in his capacity as)

an agent of both RegisterFly, Inc. and)

UnifiedNames, ENOM, and ICANN,)

Defendants.)

Civil Action No 1:07-cv-188

MOTION FOR DEFAULT JUDGMENT

**MOTION FOR DEFAULT JUDGMENT
AS TO DEFENDANT KEVIN MEDINA**

The undersigned counsel, on behalf of Plaintiff, Anne Martinez, move this Court for entry of a default judgment as to Defendant Kevin Medina upon the complaint heretofore filed and served upon Defendant, in accordance with the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, and in support thereof shows the Court the following.

1. The Complaint in the above described case was filed on 13 March 2007.
2. Defendant Kevin Medina was served with the Summons and Complaint the above entitled matter on 10 April 2007.

3. The summons for this matter was issued on 27 March 2007.
4. An Entry of Default was entered as to Defendant Kevin Medina by the Clerk of the Court on 19 September 2007.
5. The Proof of Service filed with this Court on 2 July 2007 establishes that service was proper pursuant to Rule of the Federal Rules of Civil Procedure.
6. Defendant has failed to plead or otherwise respond to the Complaint.
7. The applicable time limit for responding has expired.
8. Defendant is not an infant or an incompetent person, nor in military service.
9. Plaintiff respectfully prays the court to enter a default judgment for Plaintiff against Defendant with a hearing on damages to be conducted at a future date to be scheduled with this Court.
10. Pursuant to the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, this Court is empowered to enter a default judgment against the defendant for relief sought by plaintiff in its complaint, and written notice of this action has been given to defendant as set forth in the attached affidavit.

PRAYER

WHEREFORE, Plaintiff prays that this Court enter a judgment of default against Defendant.

AFFIDAVIT

We, E. Clarke Dummit and James M. C. Green, do hereby certify that the statements and allegations set forth in the foregoing Motion and the accompanying Memorandum are true and accurate to the best of our knowledge and belief.

Dated: 7 March 2008

By: /s/ E. Clarke Dummit
E. Clarke Dummit
N.C. Bar No. 013829
James M. C. Green
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CERTIFICATE OF SERVICE

I certify that on 7 March 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of the filing and a link to the document to the following:

Stuart C. Gauffreau

By: /s/ E. Clarke Dummit
E. Clarke Dummit

I certify that on 7 March 2008, I mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants:

RegisterFly, Inc.
c/o Walis Group, Inc.
501 Silverside Road, Suite 105
Wilmington, DE 19809

RegisterFly, Inc.
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UnifiedNames, Inc.
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1201 Hays Street
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Kevin Medina
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Hosting Services Group, Inc.
c/o Kevin Medina
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John Naruszewicz
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By: /s/ E. Clarke Dummit
E. Clarke Dummit