



DARRYL COTTON
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NUNC PRO TUNC
Feb 24 2021

Plaintiff *Pro Se*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRYL COTTON,
Plaintiff,

v.

CYNTHIA BASHANT, an individual; JOEL
WOHLFEIL, an individual; LARRY GERACI,
an individual; REBECCA BERRY, an
individual; GINA AUSTIN, an individual;
AUSTIN LEGAL GROUP, a Professional
Corporation; MICHAEL WEINSTEIN, an
individual; JESSICA McELFRESH, an
individual; DAVID DEMIAN, an individual;
and DOES 1 through 10, Inclusive,

Defendants.

Case No. 18-cv-0325-TWR (DEB)

**APPLICATION FOR ENTRY
OF DEFAULT OF MICHAEL
WEINSTEIN**

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA:**

Plaintiff DARRYL COTTON hereby requests that the Clerk enter the default of Defendant MICHAEL WEINSTEIN, an individual, for his failure to plead or otherwise defend in a timely manner as provided by Rule 55 of the Federal Rules of Civil Procedure.

This request is based upon the attached Declaration of Plaintiff DARRYL COTTON in Support of Application for Entry of Default which shows the following:

1. Defendant MICHAEL WEINSTEIN, an individual, was served with the Amended Summons [Doc 19], First Amended Complaint [Doc 18], Amended Exhibits [Doc 22] in this action pursuant to Rule 4(c) of the Federal Rules of Civil Procedure on January 21, 2021, as evidenced by the Certificate of Service on file with this Court [Doc 60].
2. Defendant MICHAEL WEINSTEIN, an individual, has failed to plead or otherwise respond to Plaintiff's First Amended Complaint.
3. The applicable time limit for Defendant MICHAEL WEINSTEIN, an individual, to respond to Plaintiff's First Amended Complaint has expired.

DATED: February 24, 2021

Respectfully submitted,



DARRYL COTTON
Plaintiff *Pro Se*

DECLARATION OF DARRYL COTTON IN SUPPORT

OF APPLICATION FOR ENTRY OF DEFAULT

I, DARRYL COTTON, declare:

1. I am over the age of eighteen years, the Plaintiff in this action, and make this declaration in support of my Application for Entry of Default.

2. Defendant MICHAEL WEINSTEIN, an individual, was served with the Amended Summons [Doc 19], First Amended Complaint [Doc 18] and Amended Exhibits [Doc 22] in this action pursuant to Rule 4(c) of the Federal Rules of Civil Procedure on January 21, 2021, as evidenced by the Certificate of Service on file with this Court [Doc 60].

3. Defendant MICHAEL WEINSTEIN, an individual, has failed to plead or otherwise respond to Plaintiff's First Amended Complaint.

4. The applicable time limit for Defendant MICHAEL WEINSTEIN, an individual, to respond to Plaintiff's First Amended Complaint has expired.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on February 24, 2021 at San Diego, California.



DARRYL COTTON

PLAINTIFF <i>David L. Brown</i>		COURT CASE NUMBER <i>US 21-00325-TWR-DEB</i>	
DEFENDANT <i>Michael J. Brown</i>		TYPE OF PROCESS <i>DEFAULT JUDGMENT</i>	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <i>David L. Brown</i>		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>301 N. Broadway St. 1000 D.C. 20001</i>		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW <i>David L. Brown 6176 Federal Blvd D.C. 20010</i>		Number of process to be served with this Form 285 <i>1</i>	
		Number of parties to be served in this case <i>1</i>	
		Check for service on U.S.A. <i>✓</i>	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): <i>Notice of Default 2/24/21</i>			
Signature of Attorney other Originator requesting service on behalf of: <i>[Signature]</i>		<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <i>202-555-5555</i>
		DATE <i>2/21/21</i>	
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>1</i>	District to Serve No. <i>1</i>
Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>		Date <i>2/21/21</i>	
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.			
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)			
Name and title of individual served (if not shown above)		Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)		Signature of U.S. Marshal or Deputy	
Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges
Advance Deposits		Amount owed to U.S. Marshal* or (Amount of Refund*)	
REMARKS			

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U.S. MARSHAL SERVICE
1/18-6/CA