

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-2822-RPM

SANDY PHILLIPS, individually and as surviving parent
of Jessica Ghawi, decedent; LONNIE PHILLIPS,
individually and as surviving parent of Jessica Ghawi,
decedent,

Plaintiffs,

v.

LUCKYGUNNER, d/b/a/ BULKAMMO.COM,
THE SPORTSMAN'S GUIDE,
Brian Platt, d/b/a/ BTP ARMS,
Gold Strike E Commerce LLC d/b/a/
BULLETPROOFBODYARMORHQ.COM,
and JOHN DOES 1 through 10, unknown individuals,

Defendants.

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT GOLD
STRIKE E COMMERCE LLC D/B/A BULLETPROOFBODYARMORHQ.COM**

TO THE CLERK OF THE COURT FOR THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO:

Pursuant to Fed. R. Civ. P. 55(a), Plaintiffs Sandy Phillips and Lonnie Phillips
("Plaintiffs") respectfully request that the Clerk enter default in this matter against Defendant
Gold Strike E Commerce LLC d/b/a BULLETPROOFBODYARMORHQ.COM ("Gold Strike").
In support of this request, Plaintiffs offer the accompanying affidavit of Paul W. Rodney
("Rodney Aff."), attached as **Exhibit 1** hereto, and state as follows:

1. Pursuant to Fed. R. Civ. P. 55(a), “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”

2. On September 16, 2014, Plaintiffs filed the Amended Complaint against Gold Strike and the other defendants in this action. ECF No. 1-2; ECF No. 8.

3. On September 18, 2014, Gold Strike was served a true copy of the Summons and Amended Complaint. ECF. No. 1-6 at 31; *see also* Rodney Aff. at ¶ 4.

4. On October 16, 2014, this action was removed from the District Court, Arapahoe County, Colorado to this Court. ECF No. 1.

5. Based on the date of the service of the Summons and Complaint, Gold Strike was required to plead or otherwise defend this action on or before October 23, 2014. Fed. R. Civ. P. 12(a)(1) and 81(c); Rodney Aff. at ¶ 6.

6. Gold Strike has failed to plead or otherwise defend this action in the time allowed by law and therefore is in default. Fed. R. Civ. P. 55(a); Rodney Aff. at ¶ 7-8.

WHEREFORE, Plaintiffs respectfully request that the Clerk enter default against Defendant Gold Strike.

Dated: February 23, 2015.

Respectfully submitted,

ARNOLD & PORTER LLP

By: s/ Thomas W. Stoever, Jr.

Thomas W. Stoever, Jr.
Paul W. Rodney
370 Seventeenth Street, Suite 4400
Denver, CO 80202-1370
Telephone: 303.863.1000
Email: Thomas.Stoever@aporter.com
Email: Paul.Rodney@aporter.com

THE BRADY CENTER TO PREVENT GUN
VIOLENCE

Jonathan Lowy
Kelly Sampson
840 First Street, NE, Suite 400
Washington, DC 20002
Email: jlowy@bradymail.org
Email: ksampson@bradymail.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 23, 2015 a copy of the foregoing **PLAINTIFFS’ MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT GOLD STRIKE E COMMERCE LLC D/B/A BULLETPROOFBODYARMORHQ.COM** was filed and served via CM-ECF on:

| | |
|--|--|
| <p>Marc Colin Bruno, Colin & Lowe, P.C. 1999 Broadway, Suite 3100 Denver, Colorado 80202 (303) 831-1099 (303) 831-1088 FAX MColin@brunolawyers.com</p> <p>Andrew A. Lothson Swanson, Martin & Bell, LLP 330 North Wabash, Suite 3300 Chicago, IL 60611 (312) 321-9100 (312) 321-0990 FAX alothson@smbtrials.com</p> <p><i>Attorneys for Defendant LuckyGunner, LLC</i></p> | <p>Peter A. T. Carlson* Donald Chance Mark, Jr.* Patrick J. Rooney* Flagship Corporate Center 775 Prairie Center Drive, Suite 400 Eden Prairie, MN 55344 (952) 995-9500 peter.carlson@fmjlaw.com donald.mark@fmjlaw.com patrick.rooney@fmjlaw.com *Admitted in Dist. of Colorado</p> <p><i>Attorneys for The Sportsman’s Guide, Inc.</i></p> |
| <p>Phillip R. Zuber, Esquire 5407 Water Street, Suite 101 Upper Marlboro, MD 20772 (301) 627-5500 (301) 627-4156 Fax pzuber@scblawyers.com</p> <p><i>Attorney for Defendant Brian Platt, d/b/a BTP Arms</i></p> | <p>Bruce A. Montoya, Esq., Bar No. 14233 Messner Reeves LLP 1430 Wynkoop Street, Suite 300 Denver, Colorado 80202 303-623-1800 bmontoya@messner.com</p> <p><i>Attorney for Defendant Brian Platt, d/b/a BTP Arms</i></p> |

And by U.S. Mail upon:

Defendant Gold Strike E Commerce LLC
d/b/a/ BULLETPROOFBODYARMORHQ.COM
Christopher E. Russell, Agent for Service
1546 West Vine Ave.
Mesa, AZ 85202

s/ Rebecca A. Golz