
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 2:15-cv-11500-SJM-RSW

JASON RESSLER,

Defendant.

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT JASON RESSLER**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed.R. Civ.P. 55, hereby files its Motion for Entry of Default Judgment (“Motion”) against Defendant, Jason Ressler (“Defendant”), and in support thereof, states:

1. On April 25, 2015, Plaintiff filed its Complaint in this action.
2. On August 11, 2015, Plaintiff filed its Amended Complaint.
3. Service of summons and Amended Complaint was obtained as follows:

Defendant	Date of Service, Type of Service
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Jason Ressler	September 5, 2015, Personal
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4. Defendant has failed to plead or otherwise defend himself against Plaintiff’s Amended Complaint.

5. On October 20, 2015, Plaintiff filed and served a request that the Clerk of the Court enter Defendant default pursuant to Fed.R.Civ.P. 55(a).

6. Default was entered as to Defendant Jason Ressler on October 21, 2015.

7. Defendant is not a minor or an otherwise incompetent person. See Decl. of Paul J. Nicoletti, Esq.

8. This Motion is based on the allegations in Plaintiff's Amended Complaint. Defendant has admitted all of the facts alleged therein by failing to plead or otherwise respond to the Amended Complaint. *See Ortiz-Gonzalez v. Fonovisa*, 277 F3rd 59, 62-63 (1st Cir. 2002) ("A defaulting party is taken to have conceded the truth of the factual allegations in the complaint as establishing the grounds for liability as to which damages will calculated.") (internal quotation marks and citation omitted).

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

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of a default judgment in favor of Plaintiff and against Defendant, Jason Ressler, in the form of the Proposed Default Judgment and Permanent Injunction attached hereto, and for such other and further relief this Court deems just and proper.

Dated: November 19, 2015

Respectfully submitted,

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti
paulnicoletti@gmail.com
Nicoletti Law PLC
33717 Woodward Avenue, Suite 433
Birmingham, MI 48009
Phone: 248-203-7800
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2015, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document via U.S. Mail to the persons set forth in the Service List below.

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti

Service List

Jason Ressler
27 Old Perch Road
Rochester Hills, MI 48309