

Ronald D. Green, NV Bar #7360
Randazza Legal Group
3625 S. Town Center Drive, Suite 150
Las Vegas, NV 89135
702-420-2001
702-420-2003 fax
ecf@randazza.com

Attorney for Plaintiffs

MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040-JAD-PAL
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	DECLARATION OF RONALD D.
)	GREEN IN SUPPORT OF PLAINTIFFS'
Plaintiffs,)	MOTION FOR ENTRY OF DEFAULT
)	AGAINST DEFENDANT CRYSTAL
vs.)	COX
)	
CRYSTAL COX, an individual, and ELIOT)	
BERNSTEIN, an individual,)	
)	
Defendants.)	

I, Ronald D. Green, declare under penalty of perjury, as follows:

1. I am an attorney for Plaintiffs, licensed to practice in the State of Nevada since 2000. I have first-hand knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. This Declaration is made pursuant to Fed. R. Civ. P. 55(a) for the purpose of enabling Plaintiffs to obtain an entry of default against Defendant Crystal Cox for her failure to otherwise defend Plaintiffs' Complaint.

3. Plaintiffs filed their Complaint in this matter on November 28, 2012. See ECF #1.

4. On December 11, 2012, Plaintiffs' undersigned counsel caused Defendant Crystal Cox to be served with a true and correct copy of the Complaint and Summons via electronic mail service, per Defendant Cox's request. See ECF #9, 10.

1 5. Although Defendant Cox previously filed numerous motions and oppositions with
2 the Court, all mail Plaintiffs sent to Defendant Cox since at least August 20, 2013 has been
3 returned undeliverable with the note "Box Closed. Unable to Forward. Return to Sender." See
4 **Exhibit A**, notice of returned mail. The following items sent to Defendant Cox were returned
5 September 26, 2013 and received by Plaintiffs on September 30:

- 6 a. Courtesy copy of Plaintiffs' Motion for Order to Show Cause (ECF #151), sent
7 August 20, 2013;
- 8 b. Plaintiffs' Requests for Production, Requests for Admissions, First Set of
9 Interrogatories, and Plaintiffs' first letter to Cox regarding scheduling her
10 deposition, sent August 27, 2013;
- 11 c. Plaintiffs' second letter to Defendant Cox regarding scheduling her deposition, sent
12 September 5, 2013; and
- 13 d. Courtesy copy of Notice of Change of Address (ECF #153), sent September 12,
14 2013.

15 6. Defendant Cox previously stated that she would not accept telephone calls from
16 Plaintiffs' counsel. (ECF #8 at 2). Nonetheless, with no other way to reach her, I made a good faith
17 effort to contact Defendant Cox via telephone on November 5, 2013 to inform her of our intent to
18 file the instant application. When she did not answer, I left her a detailed voicemail informing her
19 that I was attempting to reach her to determine whether she intended to continue to defend this
20 case. I informed her that if she did not respond, Plaintiffs intended to ask the Court for an entry of
21 default. Defendant Cox did not return my phone call.

22 7. Defendant Cox also previously refused to accept e-mail service from Randazza
23 Legal Group, stating that she would only accept service through U.S. Mail. See **Exhibit B**, E-mail
24 from Defendant Crystal Cox Refusing Email Service.

25 8. Nevertheless, I attempted to contact her via e-mail. On November 7, 2013, I sent an
26 e-mail to Defendant Cox at her three known e-mail addresses. See **Exhibit C**, E-mail to Crystal
27 Cox. I sent an e-mail to the two e-mail addresses she previously listed with the Court,
28 crystal@crystalcox.com and savvybroker@yahoo.com, and another e-mail address that she listed
on her website, reverendcrystalcox@gmail.com. In the e-mail, I explained that I was trying to
contact her regarding her failure to respond to Plaintiffs' discovery requests and their attempts to

1 schedule a mutually convenient deposition date, and that if she did not respond, Plaintiffs intended
2 to file for a request for entry of default with the Court. Defendant Cox did not respond to my e-
3 mail.

4 9. Cox last updated the website located at <crystalcox.com> on November 7, 2013
5 after my voicemail to her and on the same date as my e-mail. In updating her website, Cox
6 appeared to remove numerous articles and other information from the site. Thus, she presumably
7 received my voicemail and e-mail to her regarding the request for entry of default.

8 10. Cox continues to post about Plaintiffs online. As recently as November 12, 2013
9 (the date of the instant application for default), as well as on October 8 and October 18, 2013, after
10 Plaintiffs received notice that Defendant Cox's P.O. Box was closed, Cox posted blog entries about
11 Mr. Randazza and Randazza Legal Group. **See Composite Exhibit D**, Crystal Cox blog posts
12 about Marc Randazza. The most recent post is clearly intended to bait, inflame, and harass Mr.
13 Randazza and me, and falsely accuses Mr. Randazza, our associate J. Malcolm DeVoy, and me of
14 protecting persons involved with human trafficking and porn directed at children. Clearly, Cox still
15 has access to the Internet and can respond to Plaintiffs' communication—she has just refused to do
16 so. Cox continues to harass Plaintiffs and ignore the Court's injunction against her despite her
17 attempts to ignore the instant lawsuit.

18 11. Defendant Cox is ignoring all communication from Plaintiffs. She closed her post
19 office box to prevent Plaintiffs from reaching her. Despite updating her blogs, she is ignoring e-
20 mail communications from Plaintiffs' counsel. Plaintiffs have no remaining way to contact
21 Defendant Cox.

22 12. The "failure to otherwise defend presumes the absence of an affirmative action on
23 the part of defendant that would operate as bar to the satisfaction of the moving party's claim."
24 *Rashidi v. Albright*, 818 F. Supp 1354, 1355-56 (D. Nev. 1993). Where a defendant has previously
25 appeared in an action but fails to provide a forwarding address with which to accept service, the
26 defendant is well aware that documents will be sent, and failure to respond is a deliberate attempt
27 to avoid participating in litigation. *See Fifty-six Hope Road Music Ltd. v. Kokob Printing*, 2007
28 U.S. Dist. LEXIS 6027, 2007 WL 433195 (S.D. Cal. Jan. 26, 2007); *see also Ann Taylor, Inc. v.*
Interstate Motor Carrier, Inc., 2004 U.S. Dist. LEXIS 18173, 2004 WL 2029908 (S.D.N.Y.

1 September 17, 2004) (directing clerk to enter default and granting default judgment against
2 defendant after defendant failed to give a forwarding address to the court).

3 13. Because Cox has not provided the Court or Plaintiffs' counsel with a forwarding
4 address with which to accept service, this constitutes a failure to defend, and default is appropriate
5 under Federal Rules of Civil Procedure 55(a).

6
7 Dated: November 12, 2013

Respectfully submitted,

8 /s/Ronald D. Green

Ronald D. Green, NV Bar #7360

9 Randazza Legal Group

3625 S. Town Center Drive, Suite 150

10 Las Vegas, NV 89135

702-420-2001; 702-420-2003 fax

11 ecf@randazza.com
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28