

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PREMIER DEVELOPMENT AND
INVESTMENT, INC.,

Plaintiff,

vs.

JAMES J. MAHONEY, THOMAS M.
MAHONEY, and EQUITITREND
ADVISORS, L.L.C.

Defendants.

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Civil Action No. 3:04-CV-0405-L

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST
DEFENDANT EQUITITREND**

TO THE HONORABLE JUDGE OF THE U. S. DISTRICT COURT:

COMES NOW, Premier Development and Investment, Inc., Plaintiff, and, pursuant to Rule 55 of the Federal Rules of Civil Procedure and Local Rule 55.3, hereby requests that the District Clerk enter a Default Judgment in a manner and form provided herewith.

1. Plaintiff filed its First Amended Complaint in United States District Court for the Northern District of Texas on April 24, 2007 (Doc. #48).
2. On April 25, 2007, the summons was issued as to Equititrend Advisors, LLC (Doc # 49).
3. The summons was returned executed and served on May 3, 2007 and filed with the Court on June 20, 2007 (Doc. # 53).

4. The deadline for Defendant Equititrend Advisors, LLC's to file an answer was May 23, 2007; however, Defendant Equititrend Advisors, LLC has not filed an answer or any pleading constituting an answer and has not entered an appearance.

5. The damages in Plaintiff's First Amended Complaint are liquidated and can be proven by a written instrument and are accurately calculated; therefore, no hearing is necessary to establish the amount of damages.

5. Plaintiff requested reasonable attorney's fees, and attached hereto as Exhibit "A" is an affidavit proving attorney's fees expended in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Premier Development and Investment, Inc. asks the Court to enter a Default Judgment against Defendant, Equititrend Advisors, LLC, granting the relief requested in Plaintiff's First Amended Complaint.

Respectfully submitted,

ERIC D. FEIN, P.C. & ASSOCIATES

By: /s/ Eric D. Fein
Eric D. Fein
State Bar No. 06879020
Vickie S. Brandt
State Bar No. 24031878
3500 Oak Lawn Avenue, Suite 510
Dallas, Texas 75219
Telephone (214)522-9596

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was forwarded via Certified Mail, Return Receipt Requested, First Class Mail, Facsimile, and/or Hand Delivery to undersigned on this the 27th day of July 2007.

James J. Mahoney
4275 Executive Square, Suite 210
La Jolla, California 92037

Via Certified Mail, RRR70051160000303507635

Thomas M. Mahoney
4275 Executive Square, Suite 210
La Jolla, California 92037

Via Certified Mail, RRR70051160000303507628

/s/ Eric D. Fein
Eric D. Fein