

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. ZAYED, In His Capacity
As Court-Appointed Receiver
For Oxford Global Partners, LLC,
Universal Brokerage FX, and Other
Receiver Entities,

Plaintiff

Case No: 013-cv-1896 SRN/ SER

v.

David and Dao Allen, Judith Averett, Patricia and
Jasper Calandra, Rose Furner, Mark Hanby, Adel
("A.K.") Hilal, Geraldine Jackman, Norma Johnson,
Willis Wayne King, Don and Pamela Labbee,
Andrew Lyon, Jeffrey Lyon, Jeffrey Maki, Steven
Perkins, Richard Plantan, Douglas Reed, David
Sherman, John Sterback, Mark Stoltenberg, Jane
Wamsley as trustee for the Glen Van Lehn Living
Trust, Michael ("Bruce") Wu, Robert and Dianne
Birk, Margaret Anderson, Mary Francoeur, George
and Shirley Janssen, Joseph Koehnen, and Katherine
Sobieck,

Defendants.

**PLAINTIFF'S MOTION TO CLERK FOR DEFAULT JUDGMENT AGAINST
DEFENDANTS DON AND PAMELA LABBEE**

Plaintiff R.J Zayed as Receiver for Trevor Cook et al. ("Receiver") hereby
requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil
Procedure, for entry of a judgment by default against Defendants Don and Pamela
Labbee ("Defendants").

Plaintiff filed his complaint on July 15, 2013. (Declaration of Joseph M. Kaczrowski in Support of Receiver's Motion ("Kaczrowski Decl.") ¶ 2.)

Defendants were served on September 6, 2013. (Kaczrowski Decl. ¶¶ 3-4.) Defendants failed to answer or otherwise respond in the time allowed under Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, or seek an extension of time to answer or respond. (Kaczrowski Decl. ¶ 5.) On October 16, 2013, the Court recorded an entry of default against Defendants. (*Id.*)

Plaintiff's claim against Defendants Don and Pamela Labbee is \$9,501.00. Defendants received \$109,501.00 from Receivership entities. (Kaczrowski Decl. ¶ 6.) Defendants transferred \$100,000.00 to Receivership entities. (Kaczrowski Decl. ¶ 7.) Therefore the Receiver's Complaint sought damages of \$9,501.00 from Defendants. *Complaint*, 13-cv-1896 Docket 1 ¶ 89 (Jul. 15, 2013).

The Receiver therefore requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, enter a judgment by default of \$9,501.00 jointly and severally against Defendants Don and Pamela Labbee. This motion is supported by the files, records, and proceedings herein, as well as the Declaration of Joseph M. Kaczrowski submitted herewith.

Dated: October 18, 2013

Respectfully submitted,

s/ Joseph M. Kaczrowski

Tara C. Norgard (MN Bar No. 307,683)

Joseph M. Kaczrowski (MN Bar No. 387,843)

Carlson, Caspers, Vandenburg,

Lindquist & Schuman, P.A.

225 S. 6th Street, Suite 4200

Minneapolis, MN 55402

Telephone: (612) 436-9600

Facsimile: (612) 436-9605

tnorgard@carlsoncaspers.com

jkaczrowski@carlsoncaspers.com

*Attorneys for Plaintiff R.J. Zayed, in his
capacity as court-appointed Receiver for
Oxford Global Partners, Universal Brokerage
FX, and other Receivership Entities*