

**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: 13-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 OF COURT FOR
DEFAULT JUDGMENT AGAINST DEFENDANT JEFFREY MAKI**

Plaintiff R.J Zayed as Receiver for Trevor Cook *et al.* ("Receiver" or "Plaintiff")
hereby respectfully requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal
Rules of Civil Procedure, enter judgment by default against Defendant Jeffrey Maki
("Defendant").

On July 15, 2013, the Receiver filed a complaint against several individuals, including Defendant Maki. (*Complaint*, 13-cv-1896, Dkt. No. 1 (D. Minn. Jul 15, 2013).)

Defendant Maki was served on November 7, 2013. (Dkt. No. 109.) Under Rule 12(a)(1)(A), Defendant Maki's answer was due on November 29, 2013.¹

Defendant 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. (*Declaration of Brenton A. Elswick in Support of Plaintiff's Motion for Default Judgment Against Defendant Jeffrey Maki* ("Elswick Decl.") ¶2.) On December 10, 2013, this Court recorded an entry of default against Defendant. (Dkt. No. 116.)

Plaintiff's claim against Defendant Jeffrey Maki is \$15,515.72. Defendant received \$168,080.00 from Receivership entities. (Elswick Decl. ¶3, Ex. 1; *see also Complaint*, Dkt. No. 1, ¶92.) Defendant transferred \$152,164.28 to Receivership entities. (Elswick Decl. ¶4, Ex. 2; *Complaint*, Dkt. No. 1, ¶93.) The Receiver's Complaint sought damages of \$15,915.72 from Defendant. Defendant Maki remitted payment of \$400 to the Receiver on or about December 25, 2013. (Elswick Decl. ¶5.)

The Receiver therefore respectfully requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, enter a judgment by default of \$15,515.72 against Defendant Jeffrey Maki. This motion is supported by the files,

¹ November 28, 2013 was Thanksgiving Day, a federal legal holiday. *See* Fed. R. Civ. P. 6(a)(1)(C), 6(a)(6)(A); *see also* <http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/federal-holidays/#url=2013> (last accessed August 6, 2014).

records, and proceedings herein, as well as the Declaration of Brenton A. Elswick submitted herewith.

Dated: October 2, 2014

Respectfully submitted,

s/Brenton A. Elswick

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