

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 APPLICATION TO CLERK FOR ENTRY OF DEFAULT
AGAINST DEFENDANTS DON AND PAMELA LABBEE**

Plaintiff R.J Zayed as Receiver for Trevor Cook et al. ("Receiver") hereby makes application to the Clerk, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for Entry of Default against Defendants Don and Pamela Labbee ("Defendants") for failure of said Defendants to plead or otherwise defend.

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

Defendants were served on September 6, 2013. (Kaczrowski Decl. ¶¶ 3-4.)

Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Defendants' answer was due on September 27, 2013, within twenty-one (21) days of service. (*Id.*) As of the date of this request, however, Defendants have not filed an answer or otherwise responded to the Receiver's Complaint, nor have Defendants sought an extension of time to answer or respond. (Kaczrowski Decl. ¶ 5.)

Upon information and belief, Defendants are not minors, legally incompetent or members of the military on active duty. (Kaczrowski Decl. ¶¶ 6-7.)

The Court's docket in this action shows that Defendants have failed to plead or otherwise defend as to the Receiver's Complaint. Because Defendants have failed to answer or otherwise defend against the Complaint within the time permitted by Federal Rule of Civil Procedure 12(a)(1)(A)(i), default pursuant to Rule 55(a) is appropriate.

WHEREFORE, Plaintiff respectfully requests that the Clerk enter an order of default against Defendants Don and Pamela Labbee.

Dated: October 15, 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*