

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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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.

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**PLAINTIFF'S APPLICATION TO CLERK FOR ENTRY OF DEFAULT  
AGAINST DEFENDANT DAVID SHERMAN**

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 Defendant David Sherman ("Defendant") for failure of said Defendant 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.)

Defendant was served on September 10, 2013. (Kaczrowski Decl. ¶ 3.)

Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Defendant's answer was due on October 1, 2013, within twenty-one (21) days of service. (*Id.*) As of the date of this request, however, Defendant has not filed an answer or otherwise responded to the Receiver's Complaint, nor has Defendant sought an extension of time to answer or respond. (Kaczrowski Decl. ¶ 4.)

Upon information and belief, Defendant is not a minor, legally incompetent or a member of the military on active duty. (Kaczrowski Decl. ¶ 5.)

The Court's docket in this action shows that Defendant has failed to plead or otherwise defend as to the Receiver's Complaint. Because Defendant has 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 Defendant David Sherman.

Dated: October 15, 2013

Respectfully submitted,

*s/ Joseph M. Kaczrowski*

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Oxford Global Partners, Universal Brokerage  
FX, and other Receivership Entities*