Stanislav Arbit

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Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

PHOENIX DIVISION

Stanislav Arbit)	CASE NO.:CV23-00533-PHX-SPL
)	
Plaintiff,)	
)	MOTION FOR ENTRY OF DEFAULT
vs.)	
)	
SCHNEIDER ELECTRIC)	MEMORANDUM OF POINTS AND
)	AUTHORITIES
SE, a foreign entity,)	
)	
Defendant.)	DECLARATION OF STANISLAV ARBIT
)	
)	
)	
)	Complaint Filed: 03/29/23
)	Judge Steven P. Logan
)	
)	
)	
)	

Plaintiff, Stanislav Arbit, requests that the clerk of court enter default against defendant, Schneider Electric SE pursuant to Federal Rule of Civil Procedure 55(a). The defendant has failed to file an answer by the court ordered deadline (Dkt. 20). In the support of this request Plaintiff relies upon the records in this case the declaration submitted herein.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT

I.

INTRODUCTION

Plaintiff filed the complaint on 03/29/23 (Dkt. 1). Docket Document #7 is an order granting Motion for Leave to Proceed In Forma Pauperis, signed by Judge Steven P Logan on 04/3/23. Docket Document #9 describes Plaintiff's attempts to request waiver of service. Plaintiff motioned for service by U.S. marshals (Dkt. 12) and the motion was granted (Dkt 14). Docket Document #15 describes attempts by U.S. marshals to obtain waiver of service and subsequent service in person. Defendant was granted a motion for extension of time to file an answer (Dkt. 20) by August 25, 2023 but has failed to do so.

II.

RULE 55 (A) AUTHORIZES ENTRY FOR DEFAULT WHEN PARTY FAILES TO PLEAD OR OTHERWISE DEFEND

Rule 55 provides as follows:

Rule 55. Default; Default Judgment

    (a) **Entering a Default.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

Pursuant to this rule, Plaintiff requests that a default be entered for Defendant's failure to plead or otherwise defend as ordered by the court (Dkt. 20).

III.

CONCLUSION

For all of the foregoing reasons, it is respectfully requested that the court enter a default for Defendant's failure to answer the complaint (Dkt. 1).

Respectfully submitted,

By: Stanislav Arbit

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