

1 KEKER & VAN NEST, LLP
2 R. JAMES SLAUGHTER - #192813
3 RYAN M. KENT - #220441
4 710 Sansome Street
5 San Francisco, CA 94111-1704
6 Telephone: (415) 391-5400
7 Facsimile: (415) 397-7188

8 Attorneys for Plaintiffs
9 ELECTRONIC ARTS INC. and ELECTRONIC ARTS MUSIC
10 PUBLISHING, INC.

11

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15

16 ELECTRONIC ARTS INC., a Delaware
17 Corporation, and ELECTRONIC ARTS
18 MUSIC PUBLISHING, INC., a Delaware
19 Corporation,

Case No. C06-3403 JSW

REQUEST FOR ENTRY OF DEFAULT

20 Plaintiffs,

21 v.

22 GIANT PRODUCTIONS, a French
23 Corporation, NAJIB MARC REGHAY, an
24 individual, and ALEXANDRA BERTHET, an
25 individual,

26 Defendants.

27

28

1 TO: THE CLERK OF THE ABOVE-TITLED COURT

2 Plaintiffs Electronic Arts Inc. and Electronic Arts Music Publishing, Inc. (collectively
 3 "EA") hereby request that the Clerk of the above-titled Court enter default in this matter against
 4 Defendants Giant Productions, Najib Reghay, and Alexandra Berthet on the grounds that
 5 Defendants have failed to respond to Plaintiffs' Complaint within the time prescribed by Federal
 6 Rule of Civil Procedure 12(a)(1)(B).

7 As evidenced by the E-filing docket sheet for this case, EA filed the Complaint on May
 8 24, 2006. EA elected to request waiver of service from Defendants, and thus, on May 26, 2006,
 9 sent through reliable means requests to waive service in accordance with Rule 4(d). Each
 10 Defendant agreed to waive service and returned executed waivers of service. EA filed those
 11 executed waivers on June 5, 2006.

12 Pursuant to Rule 4(d)(3), the Defendants had 90 days after the date on which the request
 13 for waiver of service was sent to respond. Accordingly, Defendants should have filed a
 14 responsive pleading on or before August 25, 2006. No such responsive pleading has been filed,
 15 and therefore EA requests the Clerk enter default in this matter.

16 The above-stated facts are set forth in the accompanying declaration of Ryan M. Kent,
 17 filed herewith.

18 Respectfully submitted,

19 DATED: September 13, 2006

KEKER & VAN NEST, LLP

20
 21 By: _____ /s/ Ryan Kent

22
 23 Ryan M. Kent
 24 Attorneys for Plaintiffs
 25 ELECTRONIC ARTS, INC. and
 26 ELECTRONIC ARTS MUSIC
 27 PUBLISHING, INC.

1 PROOF OF SERVICE
23 I am employed in the City and County of San Francisco, State of California in the office of a
4 member of the bar of this court at whose direction the following service was made. I am over the
5 age of eighteen years and not a party to the within action. My business address is Keker & Van
6 Nest, LLP, 710 Sansome Street, San Francisco, California 94111.7 On September 13, 2006, I served the following document(s):
89 **REQUEST FOR ENTRY OF DEFAULT**
1011 by **FEDERAL EXPRESS**, by placing a true and correct copy in a sealed envelope addressed as shown
12 below. I am readily familiar with the practice of Keker & Van Nest, LLP for correspondence for delivery
13 by FedEx Corporation. According to that practice, items are retrieved daily by a FedEx Corporation
14 employee for overnight delivery.15 Béatrice Dubreuil
16 Association d'Avocats
17 121, Champs Elysées
18 75008 PARIS – FRANCE
1920 Executed on September 13, 2006, at San Francisco, California.
2122 I declare under penalty of perjury under the laws of the State of California that the above is true
23 and correct.
2425 /s/ Maureen L. Stone
26 MAUREEN L. STONE
27
28