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14 PUBLIC.RESOURCE.ORG

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

20 PUBLIC.RESOURCE.ORG,

21 Plaintiff,

22 v.

23 SHEET METAL AND AIR CONDITIONING  
CONTRACTORS' NATIONAL  
24 ASSOCIATION, INC.,

25 Defendant.

Case No.: 3:13-cv-00815 SC

**REQUEST FOR CLERK'S ENTRY OF  
DEFAULT AGAINST DEFENDANT  
SHEET METAL AND AIR  
CONDITIONING CONTRACTORS'  
NATIONAL ASSOCIATION, INC.**

28 REQUEST FOR CLERK'S ENTRY OF  
DEFAULT  
CASE NO.: 3:13-CV-00815 SC

1           **TO THE CLERK OF THE COURT:**

2           Pursuant to the Federal Rule of Civil Procedure 55(a), Plaintiff  
3 PUBLIC.RESOURCE.ORG hereby requests entry of default against Defendant SHEET METAL  
4 AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., on the  
5 ground that Defendant has failed to respond to the Complaint for Declaratory and Injunctive  
6 Relief (the "Complaint") within the time prescribed by the Federal Rules of Civil Procedure.

7           On March 14, 2013, counsel for Defendant signed and returned a Waiver of the Service of  
8 Summons (the "Waiver"), which Public.Resource.Org subsequently filed with the Court. The  
9 Waiver included the following statement: "I also understand that I, or the entity I represent, must  
10 file and serve an answer or a motion under Rule 12 within 60 days from March 1, 2013, the date  
11 when this request was sent." (Declaration of Corynne McSherry in Support of  
12 Public.Resource.Org's Request for Clerk's Entry of Default ("McSherry Decl.") ¶¶ 2-4; Dkt. No.  
13 11.) Under the Waiver, the Defendant's deadline to respond to the Complaint was April 30,  
14 2013.

15           As of May 6, 2013, Defendant has not responded to the Complaint. (McSherry Decl. ¶ 5.)  
16 Further, on May 3, 2013, Defendant advised counsel for Public.Resource.Org that "our client is  
17 not intending on filing a responsive pleading." (McSherry Decl. ¶ 6 & Ex. 1.)

18           The accompanying Declaration of Corynne McSherry further sets forth the relevant facts.

19           For these reasons, Plaintiff respectfully requests that the Clerk enter default against  
20 Defendant SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL  
21 ASSOCIATION, INC.

22  
23 Dated: May 6, 2013

FENWICK & WEST LLP

24  
25 By: /s/ James J. Varellas III  
26 James J. Varellas III  
27 Attorneys for Plaintiff  
28 PUBLIC.RESOURCE.ORG