

1 Karen-Denise Lee (State Bar No.131318)
 2 LAW OFFICE OF KAREN-DENISE LEE
 3 3400 West Clark Avenue, Suite A
 4 Burbank, California 91505
 5 Telephone: 818/843-2622
 6 Facsimile: 818/474-7084

7 Attorney for Plaintiff
 8 Clarendon America Insurance Company

E-filing

FILED
 DEC 05 2005
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 CLARENDON AMERICA INSURANCE)
 12 COMPANY,)
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Plaintiff

CASE NO. : C053575

**REQUEST FOR ENTRY OF DEFAULT
 with DECLARATION OF KAREN-
 DENISE LEE**

vs.

ZURICH AMERICAN INSURANCE)
 COMPANY and DOES 1 through 50,)
 inclusive.)
 Defendants

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

Plaintiff Clarendon America Insurance Company hereby requests that the Clerk of the above-entitled Court enter default in this matter against defendant Zurich American Insurance Company on the ground that said defendant has failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure.

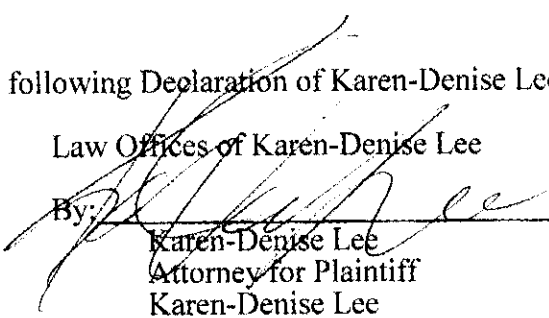
Plaintiff served the Complaint on Defendant Zurich American Insurance Company by personal service on November 8, 2005, evidenced by the proof of service of summons on file with this Court. As of this date the Defendant Zurich American Insurance Company has not responded to the Complaint, has not contacted this office to advise of its intention to respond or otherwise taken any action of Plaintiff is aware to file a response with this Court.

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The above stated facts are set forth in the following Declaration of Karen-Denise Lee.

Dated: December 2, 2005

Law Offices of Karen-Denise Lee

By: 
Karen-Denise Lee
Attorney for Plaintiff
Karen-Denise Lee

Declaration of Karen-Denise Lee

I, Karen-Denise Lee, do declare as follows:

1. I am the attorney of record for Plaintiff Clarendon America Insurance Company with respect to this action. As a result I have personal knowledge of the facts set forth in the Request for Entry of Default and this declaration. If called as a witness I could and would be able to testify accurately as to these facts from my personal knowledge.

2. On November 8, 2005, the following documents were served on Ginnie Warren as authorized agent for Zurich American Insurance Company. The documents served were identified as: Summons in a Civil Case, Complaint for Declaratory Relief, Indemnity, Equitable Contribution (Demand for Jury Trial); Order Setting Initial Case Management Conference; Notice of Assignment of Case to a United States Magistrate Judge for Trial; Dispute Resolution Procedures handout; "Welcome to the U.S. District Court" handout; ECF Registration Information Handout; and Civil Cover Sheet.

3. On November 21, 2005, a Proof of Service was filed with this Court. A true and correct copy of the Proof of Service is attached hereto as Exhibit 1.

4. A responsive pleadings was due to be filed with this Court by no later that Monday November 28, 2005.

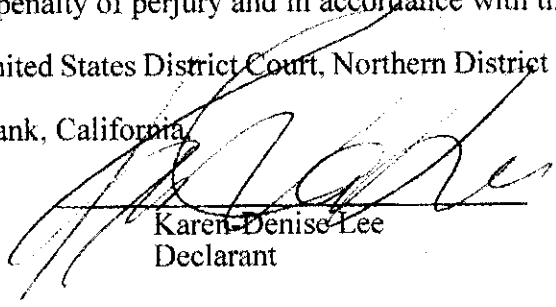
5. As of the date of this declaration, I have not received any responsive pleading on behalf of Defendant Zurich American Insurance Company. I have not been contacted by any person representing Defendant nor have I received any indication of Defendant's intention to respond to the

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1 Complaint.

2 This declaration is signed under penalty of perjury and in accordance with the laws of the
3 State of California and the rules of the United States District Court, Northern District of California.

4 Executed on December 2, 2005, at Burbank, California.



A handwritten signature in black ink, appearing to read 'Karen-Denise Lee', is written over a horizontal line. Below the line, the name and title are printed.

Karen-Denise Lee
Declarant

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<i>Attorney or Party without Attorney:</i> : Karen-Denise Lee, Esq., SPN 131318 : LAW OFFICE OF KAREN-DENISE LEE : 3400 West Clark Avenue, Suite A : Burbank, California 91505				<i>For Court Use Only</i>	
<i>Telephone No:</i> 818-843-2622		<i>Ref. No. or File No.:</i> 99999-214452			
<i>Attorney for:</i> Plaintiff					
<i>Insert name of Court, and Judicial District and Branch Court:</i> U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA					
<i>Plaintiff:</i> Clarendon America Insurance Company					
<i>Defendant:</i> Zurich American Insurance Company, et al.					
PROOF OF SERVICE S&C		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> C05 3575

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the SUMMONS AND COMPLAINT; Welcome to the US District Court, San Francisco; Dispute Resolution Procedures; Notice of Assignment of Case to a United States Magistrate Judge for Trial; Order Setting Initial Case Management Conference
3. a. *Party served:*
b. *Person served:* Zurich American Insurance Company
Ginnie Warren, Authorized to Accept
4. *Address where the party was served:* 3249 Quality Drive
Rancho Cordova, CA 95670
5. *I served the party:*
a. *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., Nov. 08, 2005 (2) at: 4:30PM
6. *The "Notice to the Person Served" (on the Summons) was completed as follows:*
on behalf of: Zurich American Insurance Company
Under CCP 416.10 (corporation)
7. *Person Who Served Papers:*
a. Michael Miller, II
b. **Western Attorney Services**
75 Columbia Square
San Francisco, CA 94103-4099
c. 415 864-1113
- d. *The Fee for Service was:*
e. I am: (3) registered California process server
(i) Independent Contractor
(ii) *Registration No.:* 2005-20
(iii) *County:* Sacramento
(iv) *Expiration Date:* Thu, Jun. 07, 2007

Recoverable Cost Per CCP 1033.5(a)(4)(B)

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: Tue, Nov. 08, 2005


(Michael Miller, II)

PROOF OF SERVICE
S&C

Attachment to Proof of Service

1. Documents Served include:

Summons in a Civil Case
Complaint for Declaratory Relief, Indemnity, Equitable Contribution (Demand for Jury Trial)
Order Setting Initial Case Management Conference
Notice of Assignment of Case to a United States Magistrate Judge for Trial
Dispute Resolution Procedures handout
"Welcome to the U.S. District Court" handout
ECF Registration Information Handout
Civil Cover Sheet
"Welcome to the U.S. District Court" handout
ECF Registration Information Handout
Civil Cover Sheet

DECLARATION OF SERVICE

1
2 (Clarendon National Ins. Co. v. Zurich Insurance Company - USDC Case No. CV-05-3575 EDL)

3 I declare that I am employed in the County of Los Angeles, State of California. I am over the
4 age of 18 and not a party to the within action. My business address is 3400 West Clark Avenue, Suite
5 A, Burbank, California 91505.

6 I further declare that on November 21, 2005 I served the following document described as:

7 **PROOF OF SERVICE SUMMONS AND COMPLAINT**

8 on the parties or attorneys for parties in this action who are identified on the attached service list,
9 using the following means of service.

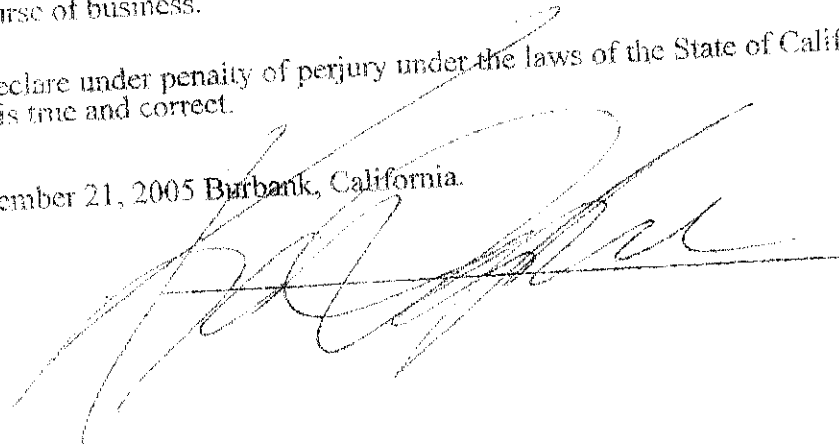
10 BY PERSONAL SERVICE. I placed the original or a true copy of the foregoing document in
11 sealed envelopes individually addressed to each of the parties on the attached service list, and caused
12 such envelope to be delivered by hand to the offices of each addressee.

13 BY FACSIMILE TRANSMISSION. I caused a true copy of the foregoing document to be
14 transmitted to each of the parties on the attached service list at the facsimile machine telephone
15 number as last given by that person on any document which he or she has filed in this action and
16 served upon this office.

17 XX BY MAIL. I placed the original or a true copy of the foregoing document in a sealed envelope
18 individually addressed to each of the parties on the attached service list, and each such envelope was
19 deposited in the mail. Each envelope was mailed with postage thereon fully prepaid. I am readily
20 familiar with this firm's practice of collection and processing of correspondence for mailing. Under
21 that practice, mail is deposited with the United States Postal Service the same day that it is collected
22 in the ordinary course of business.

23 XX (State) I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on November 21, 2005 Burbank, California.



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Ginnie Warren
Zurich American Insurance Company
3249 Quality Drive
Rancho Cordova, California 95670
(Authorized Agent of Service for Defendant)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLARENDON AMERICA INSURANCE)
COMPANY,)

Plaintiff)

vs.)

ZURICH AMERICAN INSURANCE)
COMPANY and DOES 1 through 50,)
inclusive.)

Defendants)

CASE NO. : C053575

Proposed **DEFAULT BY CLERK**

FRCP 55(a)

It appearing from the records in this above-entitled action that summons has been served upon Defendant Zurich American Insurance Company, and it further appearing from the declaration of counsel for Plaintiff, Clarendon America Insurance Company, and other evidence as required by FRCP55(a) that the Defendant has failed to plead or otherwise defend in said action as directed in said summons and as provided in the Federal Rules of Civil Procedure:

Now, therefore, on request of counsel, the DEFAULT of Defendant Zurich American Insurance Company is hereby entered.

Dated: December ____, 2005

By: _____
Clerk of the Court

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Ginne Warren
Zurich American Insurance Company
3249 Quality Drive
Rancho Cordova, California 95670