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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 TECHCRUNCH, INC., et al.) **Case No. C 09-cv-05812-RS (PSG)**
12 Plaintiffs,) **PLAINTIFFS' REQUEST TO CLERK FOR**
13 vs.) **ENTRY OF DEFAULT AGAINST**
14 FUSION GARAGE PTE. LTD.,) **DEFENDANT FUSION GARAGE PTE,**
15 Defendant.) **LTD.**
16) **Judge: Hon. Richard Seeborg**
Location: Courtroom 3, 17th Floor

17 TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

18 Plaintiffs TechCrunch, Inc. and CrunchPad, Inc. filed their initial complaint in this matter on
19 December 10, 2009, Dkt. No. 1, and personally served the summons and complaint on defendant
20 Fusion Garage PTE, Ltd. on December 18. Dkt. No. 7. The plaintiffs filed an amended complaint
21 on September 13, 2010, Dkt. No. 167, which Fusion Garage answered on March 1, 2011. Dkt. No.
22 195. Fusion Garage amended its answer on April 14, 2011. Dkt. No. 207. Fusion Garage's
23 amended answer is the defendant's operative pleading in this case.

24 On December 13, 2011, Fusion Garage's lawyers moved for leave to withdraw as counsel.
25 Dkt. No. 230. The Court granted their motion and directed Fusion Garage to retain new counsel by
26 February 1, 2012, or "appear and show cause on February 9, 2012 at 1:30 p.m., why its answer
27 should not be stricken and its default entered." Dkt. No. 236.

28 Fusion Garage did not retain new counsel by February 1 and did not appear at the February 9,

1 2012 hearing. Short Decl. ¶ 2. Consequently, at the February 9 hearing, the Court struck Fusion
2 Garage’s answer. Dkt. No. 238 (minute order).

3 Because Fusion Garage has failed to appear and defend itself through counsel despite the
4 Court’s order, and because Fusion Garage’s operative answer (Dkt. No. 207) has now been stricken,
5 the plaintiffs respectfully ask that the Clerk enter default against Fusion Garage pursuant to Rule
6 55(a) of the Federal Rules of Civil Procedure.

7 Fusion Garage has received notice of this request for entry of default by service (via
8 ECF/PACER and electronic mail) on its former counsel, pursuant to Northern District of California
9 Civil Local Rule 11-5(b). *See also* Dkt. No. 236 (“Pursuant to Civil Local Rule 11-5(b), until new
10 counsel has entered an appearance, any papers to be served on Fusion Garage may be served on
11 Quinn Emmanuel for forwarding purposes.”). As a courtesy, TechCrunch will also send (via Federal
12 Express and fax) a copy of this request and the supporting declaration to Fusion Garage’s liquidators
13 in Singapore, who have previously responded to correspondence from TechCrunch’s attorneys.
14

15 Dated: February 10, 2012

WINSTON & STRAWN LLP

17 By: /s/ Nicholas W. Short
18 David S. Bloch
19 Nicholas W. Short

20 Attorneys for Plaintiffs TechCrunch, Inc., and
21 CrunchPad Inc.
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