

1 David J. Davoli, Esq. (DD-9073)
 2 DAVOLI LAW FIRM
 3 207 West 25th Street, Suite 400
 4 New York, NY 10001
 5 Tel: 212.929.1649
 6 Fax: 2120.206.7996
 7 E-mail: david@davolilaw.com

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **San Jose Division**

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12 JOE HAND PROMOTIONS, INC.,
 13 Plaintiff,

Case No.: CDC-01333-LHK

14 vs.

15 PETE BE, Individually, and as an officer,
 16 director, shareholder, and/or principal of
 17 DA KINE CAFÉ, INC. d/b/a
 18 DA KINE CAFÉ
 19 153 E. Fremont Avenue
 20 Sunnyvale, CA 94087,

**NOTICE OF APPLICATION OF
 21 DEFAULT JUDGMENT
 22 BY COURT**

23 Defendants.

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25 **TO THE HONORABLE LUCY H. KOH AND THE DEFENDANTS:**

26 **PLEASE TAKE NOTICE THAT**, on September 22, 2011, at 1:30 p.m. or as soon
 27 thereafter as this matter may be heard by the above entitled United States District Court, located
 28 at 280 South 1st Street, San Jose, CA 95113, Plaintiff will present its Application for Default
 29 Judgment against Defendants Pete Be and Da Kine Cafe, Inc. d/b/a Da Kine Café.

30 The Clerk has previously entered the default on said Defendants on or about June 17,
 31 2011.

32 At the time and place of the hearing, Plaintiff will present proof of the following matters:

1. Defendant is not an infant or incompetent person, or in military service or otherwise exempt under the Servicemembers Civil Relief Act of 2003; and,
2. Defendants have not appeared in this action; and,

- 1 3. Notice of this Application for Default Judgment by the Court and supplemental pleadings
2 were served on said Defendants; and,
3 4. Plaintiff is entitled to judgment against the Defendants on the claims pled in the
4 Complaint.
5 5. Plaintiff seeks Judgment in its favor and against the Defendants in the amount of
6 \$116,801.48. A breakdown of the relief requested is detailed within the Proposed Order,
7 concurrently filed.
8 6. By and through this Application, Plaintiff also seeks recovery of its attorneys' fees and
9 relevant costs incurred as provided for pursuant to 47 U.S.C. Section 605, *et seq.*

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11 Respectfully submitted,

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13 Dated: August 17, 2011

14 /s/ David J. Davoli

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16 _____
17 DAVOLI LAW FIRM
18 David J. Davoli, Esq. (DD-9073)
19 Attorney for the Plaintiff,
20 Joe Hand Promotions, Inc.
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