

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 07-22670 CIV-SEITZ/O'SULLIVAN

STOCKWIRE RESEARCH GROUP, INC.
a Florida corporation, and
ADRIAN JAMES, a Texas Resident.

Plaintiffs,

vs.

JONATHAN LEBED, a Florida resident,
LEBED BIZ, L.L.C., a New Jersey Limited
Liability Company, PIGASA, INC., a New
Jersey Corporation, and CONSTANCE LEBED,
a New Jersey Resident.

Defendants.

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MOTION FOR ENTRY OF DEFAULT

Plaintiffs Stockwire Research Group, Inc. and Adrian James, by and through their undersigned counsel, hereby Move for Entry of Default, pursuant to Federal Rule of Civil Procedure 55(a), against Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. (collectively the “Defendants”) for failure to file a responsive pleading and states:

1. On November 9, 2007, Plaintiff served Defendant Pigasa, Inc. with the Summons and Amended Complaint. The Return of Service by the process server was filed with the Court on November 19, 2007 [DE 10].

2. On November 28, Rick Ruz, Esq. accepted service of the Summons and Amended Complaint on Behalf of Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. [DE 13]

3. On November 29, 2007, Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. file a motion for extension of time to respond to the Amended Complaint. [DE 11]

4. On December 5, 2007 the Affidavit of Acceptance of Service on behalf of Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. was filed with the Court. [DE 13]

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5. On December 14, 2007 Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. moved to strike portions of the [sic] complaint. [DE 19].

6. On February 12, 2008 the Court denied Defendants' Motion to Strike and ordered Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc. to answer the Amended Complaint. [DE 42].

7. To date, no answer to the Amended Complaint has been filed by Defendants Jonathan Lebed, Lebed Biz, LLC or Pigasa, Inc., who have collectively failed to plead or otherwise defend. *See* Decl. of P. Koziol [DE 83-3].

8. To Plaintiffs' knowledge, Defendant Jonathan Lebed is not in the military, nor is he an infant or incompetent. *See* attached Non-Military Declaration.

9. The undersigned counsel for Plaintiff was unable to confer with counsel for Defendants Jonathan Lebed, Lebed Biz, LLC or Pigasa, Inc. pursuant to Local Rule 7.1(A)(3), because the Defendants Jonathan Lebed, Lebed Biz, LLC or Pigasa, Inc. have refused to communicate with counsel for the Plaintiffs. *See* Decl. of P. Koziol [DE 83-3].

WHEREFORE, Plaintiffs Stockwire Research Group, Inc. and Adrian James respectfully request entry of a default against the Defendants Jonathan Lebed, Lebed Biz, LLC, and Pigasa, Inc.

Dated: August 7, 2008

Respectfully submitted,

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By: s/Peter A. Koziol

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Attorneys for Plaintiffs

Stockwire Research Group, Inc., and Adrian James

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the methods referenced below this day August 7, 2008 on all counsel or parties of record on the service list indicated below:

SERVICE LIST

Stockwire Research Group, Inc. v. Lebed, et. al.
CASE NO.: 07-22670 CIV-SEITZ/MCALILEY
United States District Court, Southern District of Florida

U.S. Mail

Defendant Jonathan Lebed

lebed316@aol.com

49 Ivy Place

Wayne, New Jersey 07470

Telephone No.: (862) 377-1768

Defendant Lebed Biz, LLC

c/o Jonathan Lebed

49 Ivy Place,

Wayne, New Jersey 07470

Telephone No.: (862) 377-1768

Defendant Pigasa, Inc.

c/o Jonathan Lebed, Registered Agent

26 Sunset Terrace

Cedar Grove, NJ 07009

Telephone No.: (201) 321-3976

Defendant, Jonathan Lebed

101 20th Street, #2707

Miami Beach, FL 33139-1903

By: s/Peter A. Koziol
Peter A. Koziol