

1 Beth Pletsky, Plaintiff
2 By her attorneys
3 Shelton Law Group, LLC
4 3 Grant Sq - No 363
5 Hinsdale, Illinois 60521
6 ARDC No 6191197

**THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

7
8 Beth Pletsky,
9 Plaintiff,
10 vs.
11 ROBERT GUERRIERI,
12 In his individual and official capacities
13 &
14 JOHN DOES, 1-6
15 In their individual and official capacities
16 JANE DOES, 1-4
17 In their individual and official capacities
18 Defendants

CASE NO. 1:13-cv-2398
JUDGE: Sharon Johnson Coleman

**PLAINTIFF'S REQUEST FOR ENTRY
OF DEFAULT; EXHIBITS A & B**

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

19 COMES NOW, Plaintiff Beth Pletsky by and through her attorneys of record, who hereby
20 moves this honorable Court to grant the default against the named and known Defendants and
21 each of them who being duly served upon them and/or their duly appointed designees, have
22 willfully failed and refused to answer and/or defend against this instant action.

A. INTRODUCTION

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25 1. Plaintiff is Beth Pletsky; known Defendants are ROBERT GUERRIERI in his individual
26 capacity and in his official capacity.
27 2. Plaintiff sued the defendants for 42 U.S.C. §1983 (Civil Action for Deprivation of Rights) as
28 well as a state tort variety.

1 3. On April 1, 2013, plaintiff filed the complaint with the Court. On April 13, 2013, defendant
2 Robert Guerrieri was served with a summons and a copy of plaintiff's complaint by certified
3 mail, return receipt requested, and on May 31, 2013, by personal service. A copy of the return
4 of services are attached as **Exhibit A and B**. Defendant did not file a responsive pleading or
5 otherwise defend the suit.

6 **B. MEMORANDUM; DEFENDANTS ARE REFUSING TO ANSWER OR**
7 **OTHERWISE DEFEND SUIT**

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9 4. A court may render a default judgment against a party who has not filed a responsive
10 pleading or otherwise defended the suit. *See* Fed. R. Civ. P. 55(a), (b)(2); *United States v.*
11 *\$23,000 in U.S. Currency*, 356 F.3d 157, 163-64 (1st Cir. 2004). 'Court is empowered to enter
12 default judgment against defendant who fails to defend its case.' *Flynn v. Williams Masonry*,
D.D.C.2005, 233 F.R.D. 176.

13 5. In the instant case the Defendants have not filed a responsive pleading within 21 days after
14 the complaint was served personally on May 31, 2013, the latest date of service. Fed. R. Civ.
15 P. 12(a)(1)(A)(i). See a true and correct copy of the summons and complaint are fully
16 incorporated herein and attached hereto as **Exhibits A and B**.

17 6. Although a default judgment is a severe sanction¹, the status of this case ensures it is proper
18 for a default judgment against the Defendants. Also it should be noted that the extreme
19 sanction of judgment by default, although most severe, is within the discretion of the trial
20 judge. *Trans World Airlines, Inc. v. Hughes*, 332 F.2d 602, 614 (2d Cir. 1964); *Gill v. Stolow*,
21 240 F.2d 669, 670 (2d Cir. 1957); 8 *C. Wright & A. Miller, Federal Practice & Procedure* §
22 2284 (1970).

23 7. Plaintiff also certifies that the Defendants are not infants and/or incompetent persons.

24 **CONCLUSION**

25 **Wherefore**, because of the foregoing and based on the attachments to this memorandum the
26 Court should grant this default against the Defendants because they refuse to answer, respond or
27 otherwise defend this suit.

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¹ *H. F. Livermore Corp. v. Aktiengesellschaft Gebrüder Loepfe*, 432 F.2d 689 (D.C. Cir. 1970)

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s/PAUL L. SHELTON

Original Signature

Beth Pletsky *In Proper Person*

By her attorneys
Shelton Law Group, LLC
700 East Ogden Avenue, #101
Westmont, Illinois 60559-1283
ARDC No 6191197

DECLARATION UNDER PENALTY OF PERJURY

I am one of the attorneys for Plaintiff in the instant case, Beth Pletsky v. ROBERT GUERRIERI et al, case no 1:13-cv-2398.

Attached hereto are true and correct copies of the Summons, and proof of service therefore, Exhibits A and B.

In the instant case the Defendants have not filed a responsive pleading within 21 days after the complaint was served upon them.

I am aware of no reply whatsoever by the Defendants.

I declare under penalty of perjury that all of the foregoing is true and correct to the best of my knowledge.

EXECUTED on June 21, 2013.



Paul L. Shelton