

**UNITED STATES OF AMERICA
IN THE DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERNEST FLAGG, as Next Friend of
JONATHAN BOND, a minor,
TARIS JACKSON, as Next Friend of
ASHLY JACKSON, a minor,
DR. BRIAN GREENE, as Next Friend of
INDIA BOND, a minor,

Case No.: 05-CV-74253
Hon. Gerald Rosen

Plaintiffs,

-vs-

CITY OF DETROIT, a municipal corporation;
DETROIT POLICE CHIEF ELLA BULLY-CUMMINGS;
DEPUTY DETROIT POLICE CHIEF CARA BEST
JOHN DOE POLICE OFFICERS 1 - 20;
ASST. DEPUTY POLICE CHIEF HAROLD CURETON;
COMMANDER CRAIG SCHWARTZ;
MAYOR KWAME M. KILPATRICK,
CHRISTINE BEATTY, jointly and severally

Defendants.

NORMAN YATOOMA & ASSOCIATES, P.C.
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By: Robert S. Zawideh (P43787)
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/

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT
CRAIG SCHWARTZ PURSUANT TO FRCP 55(A)

NOW COME THE PLAINTIFFS ERNEST FLAGG, as next friend of JONATHAN BOND, TARIS JACKSON, as next friend of ASHLY JACKSON, and DR. BRIAN GREENE, as next friend of INDIA BOND ("PLAINTIFFS"), by and through by their undersigned counsel, NORMAN YATOOMA & ASSOCIATES, P.C., and in support of their Request for Entry of Default state the following:

1. By written order issued on September 4, 2008, the Court granted Plaintiffs leave to file their Third Amended Complaint, and ordered them to file and serve same within seven days of that order.
2. On September 5, 2008, Plaintiffs electronically filed and served their Third Amended Complaint on all Defendants. See Certificate of Service attached hereto as Exhibit A.
3. Pursuant to FRCP 15(a)(3), Defendants were required to file and serve responsive pleadings on or before September 15, 2008, within ten (10) days of service of the amended pleading.

4. As of this date, Defendants Christine Beatty, Kwame Kilpatrick and Ella Bully-Cummings filed Answers and Affirmative Defenses in response to the Third Amended Complaint.

5. According to FRCP 55(a) "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

6. An affidavit supporting these facts is attached hereto as Exhibit B.

7. In accordance with FRCP 55(a), the clerk MUST enter the Default of Defendant Craig Schwartz.

WHEREFORE, Plaintiffs, ERNEST FLAGG, as next friend of JONATHAN BOND, TARIS JACKSON, as next friend of ASHLY JACKSON, and DR. BRIAN GREENE, as next friend of INDIA BOND, respectfully request an Entry of Default Against Defendant Craig Schwartz.

Respectfully submitted,

Dated: September 30, 2008

/s/ Robert S. Zawideh
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CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, September 30, 2008, I electronically filed the PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT CRAIG SCHWARTZ PURSUANT TO FRCP 55(A) with the Clerk of the Court using the CM/ECF system on the following:

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The above statement and information is true to the best of my knowledge, information,
and belief.

Dated: September 30, 2008

/s/ Robert S. Zawideh

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By: Robert S. Zawideh (P43787)

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