

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC.,
OXFORD UNIVERSITY PRESS, INC.,
SAGE PUBLICATIONS, INC., and
JOHN WILEY & SONS, INC.,

Civil Action No. 07-CV-12731

Plaintiffs,

Hon. Avern Cohn

vs.

Mag. Morgan

EXCEL RESEARCH GROUP, LLC d/b/a
EXCEL TEST PREPARATION,
COURSEPACKS, & COPIES and
NORMAN MILLER, individually,

Defendants.

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PLAINTIFFS' MOTION FOR DEFAULT

Plaintiffs hereby move that the Court enter judgment by default against defendants in this action, the amount of the judgment to be determined upon further submission to the Court.

As grounds for this motion plaintiffs state:

1. The Court held a status conference on Wednesday, October 8, 2008. Pending before the Court were the unopposed motion of defendants' then counsel, Bodman LLP, to withdraw from their representation of defendants, and plaintiffs' Motion for Amendment of Pretrial and Scheduling Order.

2. The Court had ordered defendants to appear in person at the status conference. Defendants had been duly notified of such order, as the Court was advised at the conference by Susan Kornfield, Esq. of Bodman LLP.

3. Defendants failed to appear and failed to communicate with the Court in advance giving any notice of inability to appear.

BRIEF IN SUPPORT

Defendants' failure to appear is a contempt of the order of this Court, makes it impossible to prosecute this action, and amounts to a failure by defendants to defend themselves. Plaintiffs are therefore entitled to judgment by default.

WHEREFORE plaintiffs respectfully request that the Court enter judgment by default against defendants and set a schedule for plaintiffs to submit evidence and argument as to the appropriate amount of the judgment.

Respectfully submitted,

BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC.,
OXFORD UNIVERSITY PRESS, INC.,
SAGE PUBLICATIONS, INC.,
JOHN WILEY & SONS, INC.,

Plaintiffs,

By their Attorneys:

KOTIN, CRABTREE & STRONG LLP

Dated: October 9, 2008

By: /s/ William S. Strong
/s/ Amy C. Mainelli Burke
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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2008, I served a copy of the foregoing document upon both defendants in this action by first class mail, postage prepaid, addressed to the place of business of both defendants, namely 1117 S. University, Ann Arbor, MI 48104, the only known address for both defendants.

/s/Amy C. Mainelli Burke
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