UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ZUFFA, LLC, d/b/a THE ULTIMATE FIGHTING CHAMPIONSHIP (UFC),

Plaintiff,

AFFIDAVIT IN SUPPORT OF REQUEST FOR CLERK'S ENTRY OF DEFAULT Civil Action No. 3:10-CV-02278-M

-against-

THOMAS JOSEPH CATHCART and **MANUEL P. OLIVAREZ**, Individually, and as officers, directors, shareholders, and/or principals of OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN,

and

OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN,

Defendants. STATE OF NEW YORK : : SS.: COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, ZUFFA, LLC, d/b/a THE ULTIMATE

FIGHTING CHAMPIONSHIP (UFC), in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. This action was commenced pursuant to 47 U.S.C. §605, et seq. Thereafter, Plaintiff

filed an Amended Summons and Complaint. Copies of the First Amended Summons and Complaint were served on Defendants, MANUEL P. OLIVAREZ, Individually, and as officer, director,

shareholder, and/or principal of OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, and OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, as set forth in the proofs of service which were filed on January 4, 2011, as ECF document numbers 11 and 12.

3. The time within which the Defendants may answer or otherwise move with respect to the First Amended Complaint herein has expired. Defendants, MANUEL P. OLIVAREZ, Individually, and as officer, director, shareholder, and/or principal of OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, and OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, have not answered or otherwise moved with respect to the Complaint, and the time for the Defendants to do so has not been extended.

4. Said Defendants are not infants or incompetents. Upon information and belief, the Defendants are not presently in the military service of the United States.

WHEREFORE, Plaintiff, ZUFFA, LLC, d/b/a THE ULTIMATE FIGHTING CHAMPIONSHIP (UFC), requests that the default of the Defendants, MANUEL P. OLIVAREZ, Individually, and as officer, director, shareholder, and/or principal of OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, and OLICAT GROUP LLC, d/b/a HOOLEY'S TAVERN AND GRILL, a/k/a HOOLEY'S TAVERN, be noted and that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

Dated: February 25, 2011 Ellenville, NY 12428

/s/Julie Cohen Lonstein Julie Cohen Lonstein Bar Roll No. JL8512

Sworn to before me this 25th day of February 2011

<u>/s/ April Draganchuk</u> *April Draganchuk Notary Public State of New York Registration No. 4945872 Residing in Ulster County My Commission Expires Jan. 27, 2015.*