

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARISTA RECORDS LLC, a
Delaware limited liability company;
ELEKTRA ENTERTAINMENT
GROUP INC., a Delaware
corporation; BMG MUSIC, a New
York general partnership; SONY
BMG MUSIC
ENTERTAINMENT, a Delaware
general partnership; and UMG
RECORDINGS, INC., a Delaware
corporation,

Plaintiffs,

vs.

DARREL JOHNSON,

Defendant.



Case No.: 4:05-CV-999

REQUEST TO ENTER DEFAULT;

DECLARATION OF STACY R. OBENHAUS IN SUPPORT THEREOF

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiffs hereby request that the Clerk enter default in this matter against Defendant on the ground that Defendant has failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure. Declaration of Stacy R. Obenhaus ¶ 5.

Plaintiffs served the Summons and Complaint on Defendant on April 13, 2005, by personal service, as evidenced by the proof of service on file with this Court. Id. ¶ 2. Neither Plaintiffs nor the Court have granted Defendant any extensions of time to respond to the Complaint. Id. ¶ 4. Plaintiffs are informed and believe that Defendant is not an infant or incompetent person or in the military service. Id. ¶ 6-7.

DATED: 6-22-05



Stacy R. Obenhaus
Texas Bar No. 15161570
S.D. Texas Attorney No. 11260
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214-999-3000
Facsimile: 214-999-4667

ATTORNEY IN-CHARGE FOR
PLAINTIFFS

OF COUNSEL:

Geoffrey H. Bracken
Gardere Wynne Sewell LLP
1000 Louisiana, Suite 3400
Houston, Texas 77002
(713) 276-5500 (telephone)
(713) 276-5555 (facsimile)

DECLARATION OF STACY R. OBENHAUS

I, STACY R. OBENHAUS, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of Texas and this United States District Court. I am an attorney at the law firm of Gardere Wynne Sewell LLP, attorneys for Plaintiffs. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On March 24, 2005, Plaintiffs filed the Complaint in this case against Defendant. Attached hereto as Exhibit A is a true and correct copy of the proof of service on file with the Court, reflecting that Defendant was served with the Summons and Complaint on April 13, 2005, by personal service.

3. More than 20 days have elapsed since the date on which service of the Summons and Complaint was effective.

4. Neither Plaintiffs nor the Court have granted Defendant any extension of time to respond to the Complaint.


5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiffs' attorneys of record.

6. I am informed and believe that Defendant is not an infant or incompetent person. *See* Exhibit B.

7. A search for Defendant's name was conducted in the U.S. Military Locator database of LexisNexis. That search revealed no evidence that Defendant is in the military service.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6-22-05 at Dallas, Texas.



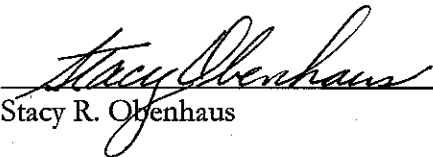
STACY R. OBENHAUS

CERTIFICATE OF SERVICE

I certify that a copy of this document was served by delivering it to the following by

Certified Mail Return Receipt Requested on June 23, 2005:

Darrell Johnson
2511 Piddler Dr.
Spring, Texas 77373



Stacy R. Obenhaus

Service of Process:

4:05-cv-00999 Arista Records LLC et al v. Johnson

U.S. District Court

Southern District of Texas

Notice of Electronic Filing

The following transaction was received from Obenhaus, Stacy entered on 5/24/2005 at 4:58 PM CDT and filed on 5/24/2005

Case Name: Arista Records LLC et al v. Johnson

Case Number: 4:05-cv-999

Filer:

Document Number: 6

Docket Text:

SUMMONS Returned Executed. Darrel Johnson served on 4/13/2005, answer due 5/3/2005, filed. (Obenhaus, Stacy)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

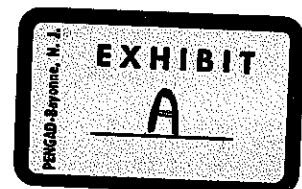
Electronic document Stamp:

[STAMP dcecfStamp_ID=1045387613 [Date=5/24/2005] [FileNumber=2191189-0] [21b4f981171be7810174baaa7c4cc134a8a65165240e6ab18404075e1e1fc527de0 8b3e20dc83daa7c04dd0be33e38815759ad82eda66740cbc84b582e9e3150]]

4:05-cv-999 Notice will be electronically mailed to:

4:05-cv-999 Notice will be delivered by other means to:

Stacy R Obenhaus
Gardere Wynne et al
1601 Elm St
Ste 3000
Dallas, TX 75201



UNITED STATES DISTRICT COURT

Southern District of Texas

ARISTA RECORDS LLC, a Delaware limited liability company; ELEKTRA ENTERTAINMENT GROUP INC., a Delaware corporation; BMG MUSIC, a New York general partnership; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; and UMG RECORDINGS, INC., a Delaware corporation,

SUMMONS IN A CIVIL CASE

CASE NUMBER: 4:05-CV-999

V.

DARREL JOHNSON

**TO:
DARREL JOHNSON
2511 Piddler Drive
Spring, TX 77373-6286**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY

**Stacy R. Obenhaus (Texas Bar No.: 15161570)
Geoffrey H. Bracken (Texas Bar No.: 02809750)
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761**

**Telephone: 214-999-3000
Facsimile: 214-999-4667**

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael N. Milby

CLERK

DATE

MAR 29 2005


(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾
NAME OF SERVER (PRINT) CHARLES W. TOWSEY

DATE APRIL 13, 2005 7:30PM

TITLE PROCESS SERVER

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

2511 PIDDLER DRIVE, SPRING, TEXAS 77373

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES 100.00

TOTAL 100.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct

Executed on

14 APR 05
Date

Signature of Server

Charles W. Towsey

Address of Server

2016 MAIN, SUITE 606
HOUSTON, TEXAS 77002

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit A
Documents Served on Defendant

1.	Notice to Defendant
2.	Summons
3.	Proof of Electronic Filing
4.	Certificate of Interested Persons
5.	Order for Conference and Disclosure of Interested Parties (with attachments re court procedures and preparation of joint pretrial order)
6.	Complaint for Copyright Infringement

PUBLICDATA.com

➤ Texas Driver Detail

<i>Name</i> JOHNSON,DARREL LYNN	<i>License number</i> 007142704	<i>Address</i> 2511 PIDDLER DR	<i>DOB</i> [REDACTED] 1953
<i>Class</i> C	<i>City/Zip</i> SPRING 77373	<i>Gender</i> Male	<i>Race</i> Black
<i>Height</i> 509	<i>Weight</i> 195	<i>Eye color</i> Brown	<i>Hair</i> Black
<i>Last transaction date</i> Mar 22 2004	<i>Last transaction</i> Duplicate		
<i>Above information as provided by state - Our annotations are below</i>			
<i>Address (click to find others)</i> 2511 Piddler Dr			
<i>City/State/Zip (click to find others)</i> Spring , TX 77373-6286			

