

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ENTREPRENEUR MEDIA, INC.,
2445 McCabe Way, Suite 400
Irvine, California 92614

Plaintiff,

v.

**B-ENTREPRENEUR.COM & S-
ENTREPRENEUR.COM, each an Internet
Domain Name,**

Registrants:

Pamela Lynn
2445 McCabe Way, Suite 400
Irvine, CA 92614
B-ENTREPRENEUR.COM &

Entrepreneur Inc.
Verita Powell
2445 McCabe Way, Suite 400
Irvine, CA 92614
S-ENTREPRENEUR.COM

Defendant.

Civil Action No. 1:11-cv-583-AJT-TCB

PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT

Plaintiff Entrepreneur Media, Inc. ("Plaintiff") respectfully requests that the Clerk of the Court enter default against the Defendant domain names *<b-entrepreneur.com>* and *<s-entrepreneur.com>* (hereinafter the "Defendants" or the "Infringing Domain Names") pursuant to Federal Rule of Civil Procedure 55(a). In support of its Request, Plaintiff states as follows:

1. Plaintiff filed its Complaint against the Infringing Domain Names on May 27, 2011. (Dkt. No. 1.)

2. The registration information provided for b-entrepreneur.com lists “Pamela Lynn” as registrant of that Infringing Domain Name at the same address, and with the same telephone number, as EMI’s. (Dkt. No. 1, Ex. A).

3. The registration information provided for s-entrepreneur.com lists “Verita Powell” as registrant of that Infringing Domain Name at the same address, and with the same telephone number, as EMI’s. (Dkt. No. 1, Ex. A)

4. Neither Pamela Lynn nor Verita Powell have ever been employed by, or in any other manner associated with, EMI, which has no knowledge of anyone with either of those names. Declaration of Tara Lynn R. Zurawski in Support of Request for Entry of Default (“Declaration in Support”) (Oct. 19, 2011), ¶5.

5. The registrants of the Infringing Domain Names provided false contact information with the result that Plaintiff could not provide postal notice of the Complaint in this suit to the registrant(s) of those Names. Declaration in Support, ¶6.

6. The registration information provided for the Infringing Domain Names listed e-mail addresses for the registrants. (Dkt. No. 1, Ex. A.) Plaintiff sent e-mail notice of the filing of its Complaint to the registrants of the Infringing Domain Names on June 30, 2011. Declaration in Support, Ex. A.

7. The registrants of the Infringing Domain Names have not acknowledged Plaintiff’s notice of the filing of its Complaint in this suit; however, in light of the false contact information provided concerning the registrants of the Infringing Domain Names, Plaintiff has exhausted all possible measures to contact and notify the owners of the Infringing Domain Names. *See* Declaration in Support.

8. Plaintiff filed a Motion for an Order to Publish Notice of Action (“Motion to Publish”) on August 26, 2011. (Dkt. No. 7.)

9. The Court granted Plaintiff’s Motion to Publish in an Order of Publication dated August 26, 2011 (Dkt. No. 10) whereby the Court required Plaintiff to publish the Order providing notice to the

Defendants in *The Washington Times* once within fourteen (14) days after the entry of the Order and to file an affidavit, no later than within twenty-eight (28) days after the entry of the Order, describing the steps Plaintiff has taken to comply with the Order.

10. Plaintiff complied with the Order of Publication by having its Notice of Action in the suit published in *The Washington Times* on September 9, 2011. See Declaration of Tara Lynn R. Zurawski Describing Compliance With the Court's Order to Publish Notice Of Action (Sept. 21, 2011). (Dkt. No. 11.)

11. The Order of Publication stated that Defendants' answer must be filed with the Court within twenty-one (21) days from the date of publication of the Order in *The Washington Times*. Further, the Court noted in that Order that if no appearance or pleading is filed as required by the Order, the Court may render judgment against the Infringing Domain Names.

12. In accordance with the Order of Publication, Defendants' answer or other response was due no later than September 30, 2011. No such answer or other response has been filed or served.

13. Where a defendant "has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a).

14. In further support of this Plaintiff's Request for Entry of Default, Plaintiff submits the accompanying Declaration in Support of Request for Entry of Default.

WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests that the Clerk of Court enter default against Defendants as to all claims asserted by Plaintiff.

Dated: October 19, 2011

Respectfully submitted,

/s/ Tara Lynn R. Zurawski
Edwin L. Fountain (Va. Bar No. 31918)
Tara Lynn R. Zurawski (Va. Bar No. 73602)
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*Counsel for Plaintiff Entrepreneur Media,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 2011, I will electronically file the foregoing with the Clerk of the Court using the EC/ECF system and that a true and correct copy of the foregoing and a copy of the Notification of Electronic Filing (NEF) were sent to the following non-filing users by electronic mail:

REGISTRANTS:

Pamela Lynn
B-ENTREPRENEUR.COM
admin@b-entrepreneur.com

Entrepreneur Inc.
Verita Powell
S-ENTREPRENEUR.COM
admin@s-entrepreneur.com

By: /s/ Tara Lynn R. Zurawski

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