
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 1:13-cv-02614

Judge Robert M. Dow, Jr.

JACK FUNDERBURG,

Defendant.

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT JACK FUNDERBURG**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed.R. Civ.P. 55, hereby files its Motion for Entry of Default Judgment (“Motion”) against Defendant, Jack Funderburg (“Defendant”), and in support thereof, states:

1. On April 8, 2013, Plaintiff filed its Complaint in this action.
2. On August 8, 2013, Plaintiff filed its Amended Complaint.
3. Service of summons and Amended Complaint was obtained as follows:

Defendant	Date of Service, Type of Service
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Jack Funderburg	August 18, 2013, Personal
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4. Defendant has failed to plead or otherwise defend himself against Plaintiff’s Amended Complaint.

5. On October 16, 2013, Plaintiff’s Motion for Default was granted by this court and default was entered as to Defendant Jack Funderburg on October 16, 2013.

6. Defendant is not a minor or an otherwise incompetent person. See Decl. of Mary K. Schulz, Esq.

7. This Motion is based on the allegations in Plaintiff's Amended Complaint. Defendant has admitted all of the facts alleged therein by failing to plead or otherwise respond to the Amended Complaint. *See Ortiz-Gonzalez v. Fonovisa*, 277 F3rd 59, 62-63 (1st Cir. 2002) ("A defaulting party is taken to have conceded the truth of the factual allegations in the complaint as establishing the grounds for liability as to which damages will be calculated.") (internal quotation marks and citation omitted).

8. This Motion is further based on the facts attested to in the Declaration of Mary K. Schulz, Esq. and the Memorandum of Points and Authorities in Support of Motion for Entry of Default Judgment filed contemporaneously herewith, and the record of the proceedings and papers on file herein. These materials are sufficient to justify the requested relief.

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of a default judgment in favor of Plaintiff and against Defendant, Jack Funderburg, in the form of the Proposed Default Judgment and Permanent Injunction attached hereto, and for such other and further relief this Court deems just and proper.

Dated: March 5, 2015

Respectfully submitted,

By: /s/ Mary K. Schulz
Mary K. Schulz, 6183773
schulzlaw@me.com
Schulz Law, P.C.
1144 E. State Street, Suite A260
Geneva, IL 60134
Phone: 224.535.9510
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2015, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document via U.S. Mail to the persons set forth in the Service List below.

By: /s/ Mary K. Schulz
Mary K. Schulz

Service List

Priority Mail
Jack Funderburg
855 Lake Street, Apt. 404
Oak Park, IL 60301