

12-60817-Cv-Williams

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

GEORGE R. SIMPSON

VS.

D. J. GROTHE, PRESIDENT OF JAMES RANDI
EDUCATIONAL FOUNDATION, JAMES
HAMILTON ZWINGE, AKA JAMES RANDI,
JEMES RANDI EDUCATIONAL FOUNDATION

FRAUD; MISREPRESENTATION AND
BREACH OF CONTRACT;
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
MISFEASANCE; MALFEASANCE;
CONSPIRACY (SECT 1985 AND 1986);
ACTION FOR DAMAGES; AND
ACTION FOR SPECIFIC
PERFORMANCE

PLAINTIFF'S MOTION IN APPLICATION FOR DEFAULT JUDGEMENT

Here comes Plaintiff George R. Simpson, Prose, and files this motion in application for Default Judgement (FRCivP Rule 55 (a), (b) (2)).

Defendants have failed to plead or otherwise defend Plaintiff's Amended Complaint (proof Exhibit 1, copy of the Court's Pacer Docket on June 21, 2012 – 15 days after the Amended Complaint was entered). The rules require a pleading or other defense within 14 days (FRCivP 15 (a)(3)).

The Court rules require (and Plaintiff requests) :

FRCivP (a)(2) By the Court. *"In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to:*

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or

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SOUTH FLORIDA DISTRICT COURT
S.D. OF FLA.-FTL

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(D) investigate any other matter."

NOW THEREFORE: The Plaintiff requests that the Court issue a Default Judgement against Defendants, and in favor of Plaintiff.

DATED: June 21, 2012

Respectfully submitted:

GEORGE R. SIMPSON, PROSE

By: 

George R. Simpson
PO Box 775
Hampton Bays, NY 11946
631-357-9502

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading was served by mailing the same, postage prepaid, by hand delivery or by facsimile on the 21th day of June, 2012.

To: Cole, Scott & Kissane, P.A.
Attorneys for the Defendants
1645 Palm Beach Lakes Blve, 2nd Floor
West Palm Beach, FL 33401

Via: Mail Fax Hand




Exhibit I



Query Reports Utilities Logout

0:12-cv-60817-KMW Simpson v. Zwinge

Kathleen M. Williams, presiding

Date filed: 05/02/2012

Date of last filing: 06/06/2012

History

| Doc. No. | Dates | Description |
|-----------|---|---|
| <u>10</u> | Filed & Entered: 06/06/2012 | Order on Motion to Dismiss for Failure to State a Claim |
| <u>7</u> | Filed & Entered: 06/05/2012 | Notice of Attorney Appearance |
| <u>8</u> | Filed & Entered: 06/05/2012 Terminated: 06/06/2012 | Motion to Dismiss for Failure to State a Claim |
| <u>9</u> | Filed: 06/05/2012 Entered: 06/06/2012 | Amended Complaint |
| <u>6</u> | Filed & Entered: 05/30/2012 | Summons Returned Executed |
| <u>5</u> | Filed: 05/29/2012 Entered: 05/30/2012 | Summons Returned Executed |
| <u>4</u> | Filed & Entered: 05/11/2012 | Summons Issued |
| <u>1</u> | Filed & Entered: 05/02/2012 | Complaint |
| <u>2</u> | Filed & Entered: 05/02/2012 | Judge Assignment |
| <u>3</u> | Filed: 05/02/2012 Entered: 05/03/2012 | Clerks Receipt |

| PACER Service Center | | | |
|----------------------|-------------------|------------------|-------------------|
| Transaction Receipt | | | |
| 06/21/2012 07:17:39 | | | |
| PACER Login: | se1519 | Client Code: | |
| Description: | History/Documents | Search Criteria: | 0:12-cv-60817-KMW |
| Billable Pages: | 1 | Cost: | 0.10 |