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United States for the Use and Benefit of
6 Dixon Marine Services, Inc. and
Dixon Marine Services, Inc.
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11
12 UNITED STATES FOR THE USE AND) Case No.: C-05-02039 SI
BENEFIT OF DIXON MARINE SERVICES,)
13 INC. and DIXON MARINE SERVICES,) PLAINTIFFS' REQUEST FOR ENTRY OF
INC., a California Corporation.) DEFAULT AGAINST DEFENDANT MASS
14 Plaintiffs,) EX CONSTRUCTION CO.
) (F.R.C.P. 55)
15 vs.)
)
16 MASS EX CONSTRUCTION CO., a)
California Corporation, and TRAVELERS)
17 CASUALTY & SURETY COMPANY OF)
18 AMERICA, a Connecticut Corporation,)
Defendants.
19

20 TO: THE CLERK OF THE ABOVE ENTITLED COURT:

21 Plaintiffs United States for the Use and Benefit of Dixon Marine Services, Inc. and Dixon
22 Marine Services, Inc. (hereinafter collectively "Dixon") hereby request that the Clerk of the
23 above-entitled Court enter default in this matter against Defendant Mass Ex Construction Co.
24 (hereinafter "Mass Ex") on the ground that said defendant has failed to appear or otherwise
25 respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure,

1 Rule 12(a)(1)(A). Plaintiffs served the First Amended Complaint on the defendant Mass Ex on
2 June 13, 2005, evidenced by the proof of service of summons on file with this Court. See
3 Docket No. 8.

4 The above stated facts are set forth in the accompanying declaration of Aviva Cuyler
5 filed herewith.

6 DATED: August 18, 2005

7
8 CHILVERS & TAYLOR PC

9 By:

Aviva Cuyler

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11 Attorneys for Plaintiffs
12 Dixon Marine Services, Inc.
13 and United States for the Use
14 and Benefit of Dixon Marine
15 Services, Inc.
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PROOF OF SERVICE BY:

FACSIMILE **MAIL** **EXPRESS MAIL AND FACSIMILE**

Re: United States for the Use and Benefit of Dixon Marine Services, Inc. et al. v. Mass Ex Construction Co. et al. in the

United States District Court for the Northern District of California

I, Aviva Cuyler, declare that:

I am over the age of eighteen years, not a party to the within action. My business address is Chilvers & Taylor PC, 83 Vista Marin Drive, San Rafael, California 94903.

On August 18, 2005, I served the following documents:

PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT
MASS EX CONSTRUCTION CO.;
DECLARATION OF AVIVA CUYLER IN SUPPORT OF REQUEST FOR DEFAULT;
AND
(PROPOSED) DEFAULT BY CLERK

by placing the document in a sealed envelope and affixing postage thereon, and placing the envelope in a United States mail box to the addresses set forth below:

Mass Ex Construction Co.
150 Spring Street
Morgan Hill, California 95037

in accordance with the firm's practice of collection and processing correspondence and other documents.

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

DATED: August 18, 2005

Aviva Cuyler