

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT H. BRAVER, an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: CIV-05-210-T
	)	
NEWPORT INTERNET MARKETING	)	
CORPORATION, a California corporation, and	)	
ROBERT ALAN SOLOWAY, an individual,	)	
	)	
Defendants.	)	

**PLAINTIFF’S REQUEST TO CLERK FOR ENTRY OF DEFAULT**

The Plaintiff, Robert H. Braver, by and through his counsel, Michael R. McKee (“Plaintiff”), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, hereby request the Clerk of this Court to enter default against the defendants, Newport Internet Marketing Corporation and Robert Alan Soloway, individually, on the grounds that the defendants have failed to answer or otherwise respond to the Plaintiff’s Complaint on file herein.

The court files and records in this case and the affidavit of counsel attached hereto as Exhibit “A” reveal the following:

1. Plaintiff filed his original Petition in Cleveland County District Court on December 21, 2004.
2. Plaintiff served Defendants via Certified Mail, Restricted Delivery on January 25, 2005 pursuant to 12 O.S. § 2004(C)(2) as reflected in Exhibit “C” of *Plaintiff’s Objection, In Part, to Defendants’ Motion to Withdraw and Extension of Time* (Docket Entry No. 10). Defendants further waived service of process as reflected in the *Agreed Application for Extension of Time to Answer or Otherwise Plead* filed on February 23, 2005 (Docket Entry No. 4).
3. Defendants removed the case to this Court on February 22, 2005.

4. Plaintiff filed his Amended Complaint on March 7, 2005.
5. By order of the Court dated May 23, 2005, Defendants' counsel was permitted to withdraw, and the defendants were granted an additional extension until June 10, 2005 to answer or otherwise plead.
6. At the time of the filing of this Request, no substitute counsel has filed an entry of appearance on behalf of the Defendants.
7. On June 10, 2005, defendants' former counsel filed a "*Notice of Defendants' to Proceed Pro Se*," however, defendant Soloway has not subsequently entered an appearance pro se. Furthermore, pursuant to LCvR17.1, defendant Newport Internet Marketing Corporation may not appear pro se.
8. At the time of the filing of this Request, no answer or other responsive pleading has been filed by either of the defendants.
9. The time for Defendants to file an answer or otherwise plead has elapsed and has not been further extended.
10. Upon information and belief, the Defendants are not infants, incompetents, or in the military.

WHEREFORE, premises considered, the Plaintiff hereby requests the Clerk of this Court for the Entry of Default against the defendants Newport Internet Marketing Corporation, a California corporation, and Robert Alan Soloway, individually.

Respectfully submitted,

s/Michael R. McKee  
Michael R. McKee, OBA # 6018  
McKee Law Firm  
Post Office Box 1351  
Norman, Oklahoma 73070  
(405) 360-2322 / (405) 366-6416 FAX  
mike@mckeelawfirm.com

**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2005, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Michael D. McClintock  
McAfee & Taft A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 N. Robinson Ave.  
Oklahoma City, OK 73102  
michael.mcclintock@mcafeetaft.com

And on this 13<sup>th</sup> day of June, 2005, the foregoing was also sent via First Class U.S. Mail to:

Michael D. McClintock  
McAfee & Taft A Professional Corporation  
Tenth Floor, Two Leadership Square  
211 N. Robinson Ave.  
Oklahoma City, OK 73102  
michael.mcclintock@mcafeetaft.com

and

Robert Alan Soloway  
Newport Internet Marketing Corporation  
1200 Western Ave., Apt. 17-E  
Seattle, WA 98101

s/\_\_\_\_\_  
Michael R. McKee