

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

GLOBAL ACCESS TECHNICAL SUPPORT LLC,
also d/b/a Global S Connect, Yubdata Tech, and
Technolive, a Missouri limited liability company,
et al.,

Defendants.

Case No. 4:16-cv-01556-HEA

Judge Henry E. Autrey

**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT
AGAINST DEFENDANT GLOBAL SMIND LLC**

Plaintiff Federal Trade Commission ("FTC") respectfully requests that default be entered against defendant Global sMind LLC, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for its failure to plead or otherwise defend in response to the FTC's complaint. In support of its application for entry of default, the FTC states as follows:

1. On October 3, 2016, the FTC filed its Complaint for Permanent Injunction and Other Relief in this matter. (*See* Dkt. #1.)
2. Global sMind LLC was served with a summons and the complaint on October 5, 2016, and was required to file a responsive pleading by October 26, 2016. (*See* Dkt. #22.)
3. Despite having been properly served, defendant Global sMind LLC has not filed any responsive pleading or motion as required by Rule 12(a) of the Federal Rules of Civil Procedure.¹

¹ On December 20, 2016, the FTC filed its Amended Complaint. Global sMind LLC was already in default at the time the Amended Complaint was filed. The Amended Complaint added two additional

WHEREFORE, the FTC requests that default be entered, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against defendant Global sMind LLC.

Respectfully submitted,

DAVID SHONKA
Acting General Counsel

Dated: June 1, 2017

S/Elizabeth C. Scott
Elizabeth C. Scott
Illinois Bar Number: 6278075
Samantha Gordon
Illinois Bar Number: 6272135
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
escott@ftc.gov
sgordon@ftc.gov
(312) 960-5609 [Scott]
(312) 960-5623 [Gordon]

Attorney for Plaintiff
FEDERAL TRADE COMMISSION

defendants, but did not assert any additional claims or amend the original claims against Global sMind. Service of the Amended Complaint on Global sMind LLC in a manner that complies with Federal Rule of Civil Procedure 4 was therefore not required. *See, e.g., Trs. of the Sheet Metal Local 36 Pension Fund v. Advanced Midwest Heating and Cooling, Inc.*, No. 4:08-cv-534(CEJ), 2009 WL 529579, at *1 n.1 (E.D. Mo. Mar. 2, 2009).

CERTIFICATE OF SERVICE

I, Elizabeth C. Scott, hereby certify that on June 1, 2017, I electronically filed, PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT AGAINST DEFENDANT GLOBAL SMIND LLC with the Court using the CM/ECF system, which will automatically send copies to any attorney of record in the case.

Respectfully Submitted,

/s/ Elizabeth C. Scott
ELIZABETH C. SCOTT
Illinois Bar Number: 6278075
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
Voice: (312) 960-5609
Fax: (312) 960-5600
email: escott@ftc.gov