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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 FARELLA BRAUN + MARTEL LLP, a
California limited liability partnership,

13 Plaintiff,

14 vs.
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16 GUIDIVILLE RANCHERIA OF
CALIFORNIA, a federally recognized Indian
tribe and POINT MOLATE FUTURES LLC,
17 a Delaware limited liability company,

18 Defendants.
19

Case No. 3:26-cv-00176-TSH

**PLAINTIFF FARELLA BRAUN +
MARTEL LLP’S REQUEST FOR ENTRY
OF DEFAULTS AGAINST DEFENDANTS
GUIDIVILLE RANCHERIA OF
CALIFORNIA AND POINT MOLATE
FUTURES LLC [FED. R. CIV. P. 55(a)]**

[SUPPORTING DECLARATION OF GARY
KAPLAN SUBMITTED CONCURRENTLY]

Mag. Judge: Hon. Thomas S. Hixson

20 Plaintiff Farella Braun + Martel LLP (“Plaintiff”) hereby requests the Clerk of the Court
21 enter defaults against each of defendants Guidiville Rancheria Of California and Point Molate
22 Futures LLC (“Defendants”) in accordance with Federal Rule of Civil Procedure (“FRCP”) 55(a)
23 based on Defendants’ failure to timely respond to Plaintiff’s Complaint in this action.

24 As reflected by the proofs of service filed with the Court (Dkt. Nos. 14 & 16)¹, Defendants
25 were personally served with the Summons and Complaint (and other required documents) on
26

27 ¹ Plaintiff respectfully requests, pursuant to Federal Rule of Evidence 201, that the Court take
28 judicial notice of the Proofs of Service on file with the Court in this action.

1 February 26, 2026. FRCP 12(a)(1)(A)(i) provides in relevant part: “ A defendant must serve an
2 answer . . . within 21 days after being served with the summons and complaint.” Likewise, the
3 Summons served on each of the Defendants stated in relevant part:

4 Within 21 days after service of this summons on you (not counting the day you
5 received it) . . . you must serve on the plaintiff an answer to the attached complaint
6 or a motion under Rule 12 of the Federal Rules of Civil Procedure.

7 As reflected by the docket in this case (available through PACER), neither Defendants has
8 filed an answer or motion in response to the Complaint. And, Plaintiff’s counsel has not been
9 served by either Defendant with an answer or motion in response to the Complaint. *See*
10 accompanying Declaration of Gary M. Kaplan, ¶ 3.

11 FRCP 55(a) provides:

12 When a party against whom a judgment for affirmative relief is sought has failed to
13 plead or otherwise defend, and that failure is shown by affidavit or otherwise, the
14 clerk must enter the party's default.

15 Based on the foregoing, Plaintiff respectfully requests that the Clerk enter defaults against
16 each of the Defendants.

17 Dated: April 3, 2026

FARELLA BRAUN + MARTEL LLP

18 By: /s/ Gary M. Kaplan

Gary M. Kaplan

Attorneys for Plaintiff

FARELLA BRAUN + MARTEL LLP

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