

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No.: 5:17-cv-00534-H

EPIC GAMES, INC.,

Plaintiffs,

v.

C.R.,

Defendant.

**PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT**

Pursuant to Fed. R. Civ. P. 55(a), Plaintiff Epic Games, Inc. ("Epic" or "Plaintiff") moves for entry of default against C.R. ("Defendant" or "C.R.") and requests that the Clerk enter a default against Defendant as required. In support of this Motion, Plaintiff states as follows:

1. Epic filed the above-captioned case on October 23, 2017 in this Court seeking injunctive relief and damages against the Defendant for (i) copyright infringement in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501, *et seq.*; (ii) contributory copyright infringement in violation of the Copyright Act, §§ 106 and 501, *et seq.*; (iii) breach of contract in violation of North Carolina law; and (iv) intentional interference with contractual relations in violation of North Carolina law. (Comp. [DE 1] at ¶ 1.)

2. As described in Epic's Declaration of Service, which Epic incorporates by reference as if fully set forth herein, Epic encountered certain obstacles in its diligent, good faith attempts to effect service of process on the Defendant, but was eventually able to properly effect service on Defendant on January 18, 2018. (Decl. of Serv. [DE 10] at ¶¶ 2-18; *id.* at Exh. A-C.)

3. Fed. R. Civ. P. 12(a)(1)(A)(i) provides that a defendant shall serve an answer “within 21 days after being served with the summons and complaint.” *Id.* Under this rule, the deadline for Defendant to serve its responsive pleading was February 8, 2018 and has passed without any such pleading having been either filed or served. Accordingly, Defendant is in default, and default is required to be entered against Defendant pursuant to Fed. R. Civ. P. 55(a).

This the 13th day of February, 2018.

PARKER POE ADAMS & BERNSTEIN LLP

/s/Christopher M. Thomas

Christopher M. Thomas

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Attorney for Plaintiff Epic Games, Inc.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT** was electronically filed this day with the Clerk of Court using the CM/ECF system and that a true and accurate copy of it was sent to all parties to this cause by depositing the original and/or copy hereof, postage pre-paid, in the United States mail, addressed as follows:

C.R.
c/o Lauren Rogers
501 West Ave.
New Castle, DE 19720

This the 13th day of February, 2018.

PARKER POE ADAMS & BERNSTEIN LLP

/s/Christopher M. Thomas
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