

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(WEST PALM BEACH DIVISION)

CASE NO. 09-80477-CIV-HURLEY/HOPKINS
(Ancillary Proceeding to U.S.D.C. Case No. 08-81565-CIV-HURLEY/HOPKINS)

Jonathan E. Perlman, Esq., as court appointed
Receiver of Creative Capital Consortium,
LLC, et al.

Plaintiff,

v.

Mario Theodule, an individual, Smart
Investment Management Services, LLC, a
Florida limited liability company, Got Swagg,
Inc., a Florida corporation, Da Beat House,
Inc., a Florida corporation, CEO of Five-5
Business Solutions, Inc., a Texas
corporation., and Smart Investment
Management Services, LLC,

Defendants.

**MOTION FOR CLERK'S DEFAULT AGAINST DEFENDANT
SMART INVESTMENT MANAGEMENT SERVICES, LLC.**

Plaintiff, Jonathan E. Perlman, as court appointed Receiver of Creative Capital Consortium, LLC, et al., by and through undersigned counsel, hereby files this Motion for Entry of Clerk's Default against Defendant Smart Investment Management Services, LLC. ("Defendant") and states in support thereof as follows:

1. Plaintiff caused Defendant to be duly served with the Summons and Complaint in this matter on May 2, 2009 (D.E. 45).
2. Defendant has failed to serve any paper on the undersigned or file any paper or appearance as required by law.
3. Plaintiff respectfully submits that he is entitled to the entry of a Clerk's default

against defendant pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

4. Plaintiff has served a copy of this motion upon the Defendant via U.. Mail.

WHEREFORE, Paintiff respectfully requests the Clerk of this Court to enter a default against Defendant and for such other and further relief as the court may deem proper and just.

Dated: February 23, 2010
Miami, Florida

Respectfully submitted,

By: /s/ David Lemoie
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*Attorneys for Receiver,
Jonathan E. Perlman, Esq.*

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2010, the foregoing document was served this day on all persons identified on the below Service List, by U.S. Mail or by e-mail.

/s/ David Lemoie
David Lemoie, Esq.
Florida Bar No. 188311

SERVICE LIST

JONATHAN E. PERLMAN, ESQ., as court appointed Receiver of Creative Capital Consortium, LLC, et al. v. MARIO THEODULE, et al.

CASE NO. 09-80477-CIV-HURLEY/HOPKINS

United States District Court, Southern District of Florida

Via EM-ECF

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Attorneys for Defendants Mario Theodule, Got Swagg, Inc., Da Beat House, Inc.

Via Certified U.S. Mail, Return Receipt Requested

Smart Investment Management Services, LLC

c/o Registered Agent Kathryn Parker

3217 Park Place Court

Melbourne, FL 32934