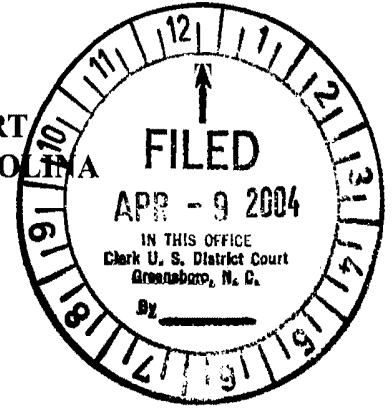


9.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
CIVIL ACTION NO. 1:03-CV-900



EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,  
Plaintiff,  
and

LATRISHA ASANTE and JULIE  
MIDKIFF

Plaintiff-Intervenors,

v.

GREENSBORO FITNESS, LLC, d/b/a  
GOLD'S GYM

Defendant.

MOTION FOR ENTRY OF  
DEFAULT JUDGMENT  
FED. R. CIV. P. 55

Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Plaintiff, EEOC, (the "EEOC") requests the clerk enter default judgment against Defendant, Greensboro Fitness, LLC, d/b/a Gold's Gym. In support of this Motion, the EEOC states as follows:

1. The EEOC filed the Complaint in this action on or about September 22, 2003.
2. On or about September 22 and October 16, 2003, the EEOC attempted to notify Defendant of the commencement of the action by mailing a copy of the Complaint and requesting that Defendant waive service of a summons, pursuant to Rule 4(d). The EEOC also mailed a copy of the Complaint, waiver of service, and notice of waiver of service to counsel who represented Defendant during the EEOC's investigation of the underlying discrimination charges.
3. During December 2003 to January 2004, the EEOC attempted to serve a summons on Defendant via its registered agent, but the efforts were not successful.
4. On or about January 20, 2003, the EEOC served Defendant by serving a summons on

the Secretary of State, pursuant to N.C.G.S. § 55D-33. ("Service on an entity under this subsection is effective for all purposes from and after the date of the service on the Secretary of State.")

5. Proof of service was made to this Court by affidavit filed on or about March 8, 2004, pursuant to Rule 4(l) Fed. R. Civ. P.

6. As of this date, Defendant has failed to appear, plead, or otherwise defend this action as required by the Federal Rules of Civil Procedure.

Wherefore, Plaintiff EEOC hereby moves the clerk to enter default judgment against Defendant in accordance with Rule 55 of the Federal Rules of Civil Procedure.

This the 7<sup>th</sup> day of April 2004.

Respectfully submitted,

LYNETTE A. BARNES  
Acting Regional Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Charlotte District Office  
129 West Trade Street, Suite 400  
Charlotte, North Carolina 28202



KERITH COHEN (Virginia State Bar No. 39069)  
Trial Attorney  
EEOC Raleigh Area Office  
1309 Annapolis Drive  
Raleigh, North Carolina 27608  
Telephone: (919) 856-4148  
Fax: (919) 856-4156

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served copies of the foregoing ***Motion for Entry of Default Judgment*** by depositing copies thereof in an envelope bearing sufficient postage in the United States mail, addressed to the following persons at the following addresses which are the last known addresses to me:

Registered Agent for Defendant:  
Greensboro Fitness, LLC  
c/o Ted Sampson, Registered Agent  
3201-109 Edwards Mill Road  
Raleigh, NC 27613

Counsel for Intervenor:  
William Hill, Esq.  
Moss Mason & Hill  
Bank of America Bldg. Ste. 602  
101 W. Friendly Avenue  
Greensboro, NC 27429

This the 7<sup>th</sup> day of April, 2004

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

By: Kerith Cohen  
KERITH COHEN  
Trial Attorney