

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

|                          |   |                    |
|--------------------------|---|--------------------|
| State of Indiana, et al. | ) |                    |
|                          | ) |                    |
| Plaintiffs,              | ) |                    |
|                          | ) |                    |
| v.                       | ) | No. : 3:04-CV-0506 |
|                          | ) |                    |
| Robert A. Pastrick,      | ) |                    |
|                          | ) |                    |
| Defendant.               | ) |                    |

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Plaintiffs State of Indiana, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("State"), and the City of East Chicago, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("City"), respectfully move this Court for the entry of a default judgment against defendant Robert A. Pastrick. In support thereof, the plaintiffs aver as follows:

1. On August 3, 2004, the plaintiffs filed the complaint in this action and duly served the defendant with a copy of the complaint. The complaint alleged the following claims for relief against the defendant:

a. Federal Racketeering Offenses, in violation of 18 U.S.C. § 1962(c), (First Claim for Relief, at paragraphs 139-148 of complaint) - The defendant and others were employed by or associated with a racketeering enterprise and conducted, managed, operated, or participated, directly and indirectly, in the conduct of its affairs through a pattern of predicate crimes by multiple, repeated and continuous instances of the transfer or transmittal in interstate commerce of money or property they knew to have been stolen or converted in violation of 18 U.S.C. § 2314.

b. Conspiracy to Violate Federal Racketeering Law, in violation of 18 U.S.C. §1962(d), (Second Claim for Relief, at paragraphs 149-156 of complaint) - The defendant and others were employed by or associated with a racketeering enterprise and conspired to conduct or participate, directly and indirectly, in the conduct, management, or operation of the enterprise through a pattern of predicate crimes by multiple, repeated and continuous instances of the transfer or transmittal in interstate commerce of money or property they knew to have been stolen or converted in violation of 18 U.S.C. § 2314.

c. State Racketeering Offenses, in violation of Indiana Code § 35-45-6-1, (Third Claim for Relief, at paragraphs 157-167 of complaint) - Defendant and others stole and converted money and property from the State of Indiana and the City of East Chicago in violation of state official misconduct and theft statutes.

d. State Civil Recovery for Crime Victims, pursuant to Indiana Code § 34-24-3, (Fifth Claim for Relief, at paragraphs 173 – 178 of complaint) - Defendant and others committed criminal theft by unauthorized control over money or property of the City of East Chicago, with intent to deprive the City of East Chicago of it value or use.

2. The defendant participated in pre-trial proceedings in this action, including filing a motion to dismiss, filing an answer to the complaint and filing a counterclaim. On February 12, 2009, the Court set this matter for jury trial to commence on May 26, 2009. The defendant received notice of the trial date, was present for the final pre-trial conference and submitted pre-trial papers and pleadings as required by this Court's Pre-Trial Order and the local rules of this Court.

3. On May 20, 2009, the defendant filed an Application for Entry of Default (Docket Entry 543) and Motion to Dismiss Counter-Claim (Docket Entry 544).

4. At a telephonic status conference held by the Court on May 21, 2009, Attorney Michael Bosch, counsel for the defendant, advised the Court that the defendant would not appear for the jury trial scheduled for May 26, 2009 or otherwise defend the case and that the defendant understood that the plaintiffs would move for the entry of default as to liability. Docket Entry No. 546.

5. At the time set for trial on May 26, 2009, the defendant and his counsel failed to appear before the Court. The plaintiffs duly obtained an entry of default from the Clerk's Office.

6. Accordingly, the defendant, being fully on notice of the allegations in the complaint, and the trial date and choosing not to appear or otherwise defend against the claims asserted against him, the plaintiffs hereby request that the Court enter a default judgment against the defendant for all damages and relief sought in the complaint, including compensatory damages, treble damages, injunctive relief, punitive damages and reasonable costs and attorneys' fees, in such amounts and under such terms as will be set by the Court at a hearing at a date and time to be set by the Court. The plaintiffs further request that the counterclaim filed by the defendant be dismissed with prejudice.

Respectfully Submitted,

ATTORNEYS FOR PLAINTIFFS:

/s/ Patrick M. Collins

Patrick M. Collins, Special Deputy Attorney General

Joel R. Levin, Special Deputy Attorney General

David A. Arthur, Deputy Attorney General

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| Plaintiffs,              | ) |                    |
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| v.                       | ) | No. : 3:04-CV-0506 |
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| James Harold Fife, III,  | ) |                    |
|                          | ) |                    |
| Defendant.               | ) |                    |

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Plaintiffs State of Indiana, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("State"), and the City of East Chicago, *ex rel.* Gregory F. Zoeller, Attorney General of Indiana ("City"), respectfully move this Court for the entry of a default judgment against defendant James Harold Fife, III. In support thereof, the plaintiffs aver as follows:

1. On August 3, 2004, the plaintiffs filed the complaint in this action and duly served the defendant with a copy of the complaint. The complaint alleged the following claims for relief against the defendant:

a. Federal Racketeering Offenses, in violation of 18 U.S.C. § 1962(c) (First Claim for Relief, at paragraphs 139-148 of complaint) - The defendant and others were employed by or associated with a racketeering enterprise and conducted, managed, operated, or participated, directly and indirectly, in the conduct of its affairs through a pattern of predicate crimes by multiple, repeated and continuous instances of the transfer or transmittal in interstate commerce of money or property they knew to have been stolen or converted in violation of 18 U.S.C. § 2314.

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otherwise defend the case and that he understood that the plaintiffs would move for the entry of default as to liability. Docket Entry No. 546.

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Respectfully Submitted,

ATTORNEYS FOR PLAINTIFFS:

/s/ Patrick M. Collins  
Patrick M. Collins, Special Deputy Attorney General  
Joel R. Levin, Special Deputy Attorney General  
David A. Arthur, Deputy Attorney General