

UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF TEXAS

ROSS KAWAMOTO	§
JERRY STONE	§
RAFAEL MADRIGAL	§
BILL COKELY	§
STAN KAWAMOTO and	§
DAN LASKY	§
Plaintiffs	§
v.	§ CAUSE NO. 3:06-CV-0792-G
JAMES KASTEN	§ EFT
SPORTSITES, L.L.C.	§
KASTEN FAMILY L.P.	§
SPORTSITES R/E, L.L.C.	§
ICEPORT FOUNDATION, INC.	§
SCOTT BRANOVAN	§
SPORTSCOMM CUDAHY L.L.C.	§
BRANOVAN FAMILY L.L.C.	§
SLAPSHOT HOCKEY, L.L.C.	§
ICEPORT LEASING, L.L.C. and	§
SPORTSCOMM VENUES, L.L.C.	§
Defendants	§

PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

Plaintiffs move for judgment by default against the Defendants listed below pursuant to Federal Rule of Civil Procedure 55(b) on the grounds set forth in more detail below:

- Iceport Foundation, Inc.
- Scott Branovan
- Sportscomm Cudahy L.L.C.
- Branovan Family, L.L.C.
- Slapshot Hockey, L.L.C.
- Iceport Leasing, L.L.C.
- Sportscomm Venues, L.L.C.

1. Each of these Defendants was served on or before June 6, 2006, none has appeared to plead or otherwise defend as provided by the Federal Rules of Civil

Procedure, and the Clerk has been requested to enter their default.

2. As shown in Paragraph 27 of the Amended Complaint on file as Document No. 6 on the Docket of this Court, each of the Plaintiff's claim against the Defendants is for a sum certain.

3. The amounts due are shown in the Declarations attached as Exhibits 1 through 6 to this Motion as required by Federal Rule of Civil Procedure 55(b)(1).

4. As shown in Paragraph 40 of the Amended Complaint on file as Document No. 6 on the Docket of this Court, the Plaintiffs' claims are claims for which attorneys fees may be awarded under Chapter 38 of the Texas Civil Practice & Remedies Code. The Declaration of Richard Martin Hunt attached as Exhibit 7 to this Motion establishes that a reasonable and necessary fee for the services rendered in connection with the claims against these Defendants is \$5000.

Based on the foregoing, the Plaintiffs move for entry of Judgment by default in the amounts shown.



Richard M. Hunt
Texas State Bar No. 10288700

MUNSCH HARDT KOPF & HARR, P.C.
3800 Lincoln Plaza
500 N. Akard Street
Dallas, Texas 75201
(214) 855-7500 (telephone)
(214) 855-7584 (facsimile)
E-mail: rhunt@munsch.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that on October 4, 2006 I sent a letter by facsimile to the only known counsel for the Defendants who are the subject of this Motion warning that a default would be taken. I then called and left a voice mail, but that call was not returned. For that reason no conference has been possible.



Richard M. Hunt

CERTIFICATE OF SERVICE

I hereby certify that on this 22ndth day of November, 2006, a true and correct copy of the Motion for Default Judgment was served upon the following counsel of record in accordance with the Federal Rules of Civil Procedure:

Mark Wilson Stout
Lively, Padfield & Stout, LLP
777 Main Street, Suite 1920
Fort Worth, Texas 76102

Brad L.F. Hoeschen
Greenberg & Hoeschen, LLC
3127 West Wisconsin Avenue
Milwaukee, WI 53208

John Wirth
Mallery & Zimmerman
731 North Jackson Street, Suite 900
Milwaukee, WI 53202-4697



Richard M. Hunt

Dallas 1183221_1 8775.1

UNITED STATES DISTRICT COURT
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v.

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Defendants

CAUSE NO. 3:06-CV-0792-G

EFT

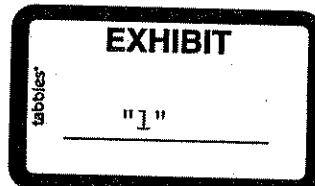
DECLARATION UNDER PENALTY OF PERJURY

My name is Ross Kawamoto, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$50,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$50,000.00 in principal plus \$26,100.00 in promised profit, plus \$32.88 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9, 2006.


Ross Kawamoto

DECLARATION OF ROSS KAWAMOTO
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Defendants

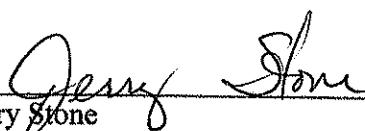
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DECLARATION UNDER PENALTY OF PERJURY

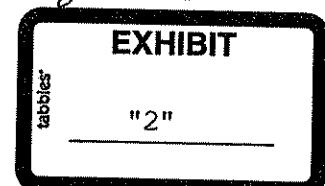
My name is Jerry Stone, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$25,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$25,000.00 in principal plus \$13,050.00 in promised profit, plus \$16.44 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9, 2006.



Jerry Stone

DECLARATION OF ROSS KAWAMOTO
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THE NORTHERN DISTRICT OF TEXAS

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KASTEN FAMILY L.P.

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SPORTSITES R/E, L.L.C.

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ICEPORT FOUNDATION, INC.

§

SCOTT BRANOVAN

§

SPORTSCOMM CUDAHY L.L.C.

§

BRANOVAN FAMILY L.L.C.

§

SLAPSHOT HOCKEY, L.L.C.

§

ICEPORT LEASING, L.L.C. and

§

SPORTSCOMM VENUES, L.L.C.

§

Defendants

§

§

DECLARATION UNDER PENALTY OF PERJURY

My name is Rafael Madrigal, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$50,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$50,000.00 in principal plus \$26,100.00 in promised profit, plus \$32.88 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9, 2006.

Rafael Madrigal

DECLARATION OF ROSS KAWAMOTO
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EXHIBIT

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THE NORTHERN DISTRICT OF TEXAS

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BRANOVAN FAMILY L.L.C.
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ICEPORT LEASING, L.L.C. and
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CAUSE NO. 3:06-CV-0792-G

EFT

DECLARATION UNDER PENALTY OF PERJURY

My name is Bill Cokley, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$100,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$100,000.00 in principal plus \$52,200.00 in promised profit, plus \$65.75 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9, 2006.


Bill Cokley

DECLARATION OF ROSS KAWAMOTO
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EXHIBIT

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UNITED STATES DISTRICT COURT
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SLAPSHOT HOCKEY, L.L.C.
ICEPORT LEASING, L.L.C. and
SPORTSCOMM VENUES, L.L.C.

EFT

Defendants

DECLARATION UNDER PENALTY OF PERJURY

My name is Stan Kawamoto, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$50,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$50,000.00 in principal plus \$26,100.00 in promised profit, plus \$32.88 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9th, 2006.


Stan Kawamoto

DECLARATION OF ROSS KAWAMOTO
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EXHIBIT

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UNITED STATES DISTRICT COURT
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DECLARATION UNDER PENALTY OF PERJURY

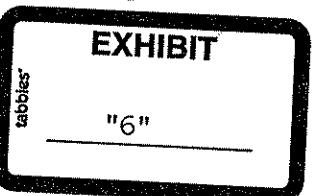
My name is Dan Lasky, and I am competent to make this declaration. I am one of the Plaintiffs in the above lawsuit. On or before August 27, 2004 I invested \$25,000.00 with the Defendants based on a promise of a 24% annual return. None of the money was repaid. As of October 30, 2006, the amount due for my investment is \$25,000.00 in principal plus \$13,050.00 in promised profit, plus \$16.44 per day from October 30, 2006 until the amount is paid in full. I declare under penalty of perjury that the foregoing is true and correct.

Signed this November 9, 2006.


Dan Lasky

DECLARATION OF ROSS KAWAMOTO
Dallas 1183236_1 8775.1

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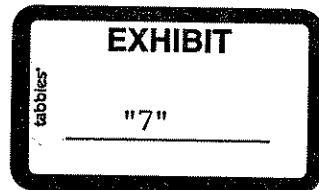
DECLARATION OF RICHARD M. HUNT

My name is Richard M. Hunt. I have personal knowledge of the facts set forth in this Affidavit.

I am a member of the State of Bar of Texas and have been admitted practice in the Northern District of Texas. I have practiced in the field of civil litigation in the Northern District of Texas since my admission to the bar in 1981, and I am familiar with the usual and customary charges the kinds of services about which I opine in this declaration.

I have served as counsel to Munsch Hardt Kopf & Harr, P.C. ("MHKH") in the lawsuit in which this declaration is filed. As counsel for MHKH I am familiar with the services that Munsch Hardt's attorneys and legal assistants have provided in this case, and the time they devoted to those services based on the records of those matters prepared in the ordinary course of business of MHKH. It is the regular practice of the attorneys and legal assistants at the Munsch Hardt firm to record the time spent and services rendered in such records.

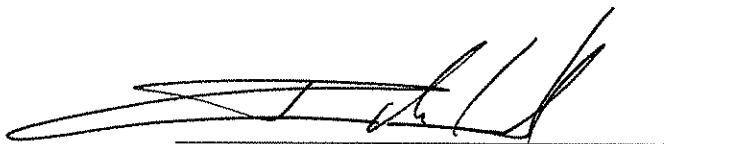
Through the date of this Declaration I have personally spent 64.3 hours working on this lawsuit, including analysis of the claims, preparation of pleadings, research, and drafting the Motion for Default Judgment with which this Declaration is filed. My usual billing rate of \$405 per hour is a reasonable one in the Dallas area for the kind of work I have performed. Much of the time spent on this case was in connection with a Motion to Dismiss filed by a group of Defendants who did not default. I have reviewed all of the time entries, and a reasonable allocation of the time spent between the groups of defendants results in fees of \$5000 attributable to researching, pleading, and moving for default judgment against the defaulting defendants. It is my opinion that a fee of \$5000 is reasonable, necessary, usual and customary for the work



performed through the filing of the Motion for Default Judgment in this case based upon a consideration of the factors set forth in Rule 1.04 of the Texas Rules of Professional Conduct.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on November 22, 2006.



Richard M. Hunt

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