

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Rod Webber, Pro Se Plaintiff)	
v.)	Case No. 1:18-cv-00931-LM
Donald J. Trump For President)	
Inc., Edward Deck, et. al)	(Chief Judge Landya McCafferty)
)	

REQUEST FOR ENTRY OF DEFAULT PURSUANT TO RULE 55(a)

To the Clerk of the United States District Court for the New Hampshire District of New Hampshire.

Plaintiff, Rod Webber hereby requests pursuant to Rule 55a of the Federal Rules of Civil Procedure that the Clerk enter the default of Campaign Defendants, The Trump Campaign, Edward Deck, Fred Doucette and XMark for failure to answer or otherwise defend against this action in a timely manner. The applicable time limit to answer or otherwise respond under Rule 12(a)1C of Federal Rules of Civil Procedure expired on March 27th, 2020, (ten days ago).

In H. F. Livermore Corp. v. Aktiengesellschaft Gebruder Loepfe, the United States Court of Appeals for the District of Columbia Circuit explained the rationale for default judgments as such: “the diligent party must be protected lest he be faced with interminable delay and continued uncertainty as to his rights... the possibility of a default is a deterrent to those parties who choose delay as part of their litigative strategy.”

“The court may enter default judgment when a defendant fails to respond to a complaint and court orders and fails to participate in the litigation or cooperate in good faith with the plaintiff. Tara Prods., Inc. v. Hollywood Gadgets, Inc., 449 F. App'x 908, 910-12 (11th Cir. 2011).

Attorney Gould argues that due to the COVID-19 pandemic, “the attendant delays as the firm and its attorneys have transitioned to a remote workplace, the Campaign Defendants require additional time to finalize their answer to the Plaintiff’s extremely detailed complaint.”

However, the court has been open for electronic filing, and New Hampshire Governor Sununu did not even suggest a stay-at-home order to begin until March 27th, 2020 at midnight, (coincidentally, the deadline to answer or otherwise respond to the court.) In fact, on March 26th, at a press conference, Governor Sununu stated, “This is not a shelter in place. We are not closing down transportation. I am not closing our borders, and no one will be prevented from leaving their home.” https://www.youtube.com/watch?v=LX76Gu9tyjA&feature=emb_logo

Moreover, no reasonable person would believe that the switch from Mr. Gould writing briefs in his New Hampshire office to writing briefs on a laptop in his New Hampshire home would cause an attorney of Mr. Gould’s competence, experience and caliber, (hired by the campaign for the President of the United States of America) to simply forget to file such an important brief for over a week. Surely, this is a strategic move. Further, the COVID-19 outbreak assuredly would have been avoided if Donald J. Trump, (the head of The Trump Campaign), had not behaved with abject negligence, ignoring health officials, and claiming on multiple occasions

that it was a “hoax” that would just go away, stating, “it’s like a miracle.” Director of the National Institute of Allergy and Infectious Diseases (NIAID), Anthony S. Fauci, MD, warned Mr. Trump of a coming pandemic in 2017, and was ignored. <https://gumc.georgetown.edu/gumc-stories/global-health-experts-advise-advance-planning-for-inevitable-pandemic/#> The head of the Trump Campaign is liable for the outbreak that Gould cites as the reason for missing the deadline. Mr. Gould has no reason for the delay, since there was no shelter-in-place order, and was not prevented from going to the office in any way.

Accordingly, Defendants have not shown good cause for not filing an answer, and their argument for the delay does not hold water. Defendant is ten days late, this is not the initial stage of litigation, and default should be entered.

Pro Se Plaintiff, Roderick Webber

Signed: Rod Webber

Dated: April 6, 2020