

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALICIA ETHEREDGE-BROWN)	
And ROBERT BROWN)	
Plaintiffs)	
v.)	
)	
	)	Civil Action No.
AMERICAN MEDIA, INC.	)	13 CV 1982- JPO
AND DERRICK HANDSPIKE)	
)	
Defendants)	
)	

MOTION FOR ENTRY OF DEFAULT
JUDGEMENT

Pursuant to the Federal Rules of Civil Procedure 55, Plaintiffs hereby moves this Court for a default against the Defendant Derrick Handspike ("Defendant"), in the above-captioned action. In support of its Motion, Plaintiff states that:

1. The Complaint in the above-captioned action was filed in this Court on or about February 25, 2013;
2. The Defendant was served on May 30, 2013;
3. The Defendant failed to file an Appearance in the above-captioned action; and,
4. The Defendant failed to file a response to the Complaint as required by Rule 12(a) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff requests the Court enter judgment of default against the Defendant in this action.

ALICIA ETHEREDGE-BROWN
And ROBERT BROWN
By Their Attorneys,

A handwritten signature in black ink, appearing to read 'C. Brown', is written over a horizontal line.

Christopher L. Brown
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January 6, 2015

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC#: DATE FILED: 1/5/15
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----x

Alicia Etheredge-Brown and Robert Brown,

13 Civ. 01982 (JPO)

- against

CLERK'S CERTIFICATE

American Media, Inc and Derrick Handspike

-----x

I, RUBY J. KRAJICK, Clerk of the United States District Court for

the Southern District of New York, do hereby certify that this action commenced on or about February 25, 2013 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant Derrick Handspike by serving Summer Woods by hand at the home of Derrick Handspike at 2464 McAfee Rd, Decatur, GA 30032 on May 30, 2013, and proof of such service thereof was filed on June 17, 2014.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: January 5, 2015

New York, New York

RUBY J. KRAJICK Clerk of Court

By: Kmango
Deputy Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X

Alicia Etheredge-Brown and Robert Brown,

13 Civ. 01982 (JPO)

- against

NOTICE OF MOTION FOR DEFAULT
JUDGEMENT

American Media, Inc and Derrick Handspike

-----X

THE ATTACHED LEGAL PAPERS ARE BEING SERVED ON YOU BECAUSE YOU HAVE FAILED TO APPEAR IN A LAWSUIT BROUGHT AGAINST YOU. IF YOU DO NOT ENTER AN APPEARANCE IN THE LAWSUIT ON OR BEFORE JANUARY 28, 2015, THE COURT WILL ENTER A DEFAULT JUDGMENT AGAINST YOU. IF YOU ARE A CORPORATION, YOU CAN ONLY APPEAR THROUGH AN ATTORNEY. IF YOU ARE AN INDIVIDUAL, YOU MAY APPEAR BY AN ATTORNEY OR APPEAR YOURSELF PRO SE. IN EITHER EVENT, YOU MUST TAKE SOME ACTION OR A JUDGMENT WILL BE ENTERED AGAINST YOU. ENTRY OF A JUDGMENT MAY RESULT IN A LEVY AGAINST YOUR PROPERTY.

ALICIA ETHEREDGE-BROWN
And ROBERT BROWN
By Their Attorneys,



Christopher L. Brown

Brown & Rosen LLC

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January 6, 2015

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALICIA ETHEREDGE-BROWN)	
And ROBERT BROWN	)	AFFIDAVIT OF CHRISTOPHER
Plaintiffs	)	BROWN IN SUPPORT OF MOTION
v.	)	FOR ENTRY OF DEFAULT
	)	JUDGMENT
	)	Civil Action No.
AMERICA MEDIA, INC.	)	13 CV 1982- JPO
AND DERRICK HANDSPIKE)	
)	
Defendants)	
)	

I, Christopher L. Brown make the present statements under the pains and penalty of perjury.

1. I am a partner at the firm of Brown & Rosen LLC and I am counsel to the Plaintiffs. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.

2. The Plaintiffs are resident of California, defendant America Media, Inc. ("Media") is a New York entity and defendant Derrick Handspike ("Handspike") is a resident of Georgia. Jurisdiction in this matter was based on diversity.

3. This action filed in February 2013 by filing a Summons and Complaint. A copy of the summons and complaint was served on the Handspike on May 30, 2014 by serving his cousin Summer Woods at Handspike's home. Handspike has not answered the Complaint and time to respond has expired.

4. This is an action to recover monies relating to an act of defamation of character. In March 2012, Media published an article in the National Enquirer about the plaintiffs which the plaintiffs' believed were defamatory and contains false facts about the plaintiffs and Whitney Houston. Plaintiffs' filed this defamation action due to the contents of the story that was published.

5. Media and Handspike entered into a contract relating to the story. Handspike was the origin of the false information. Handspike engaged in business within New York State sufficient to have minimum contacts in the state. Media, a New York entity, mailed correspondence to Handspike at his address at 2464 McAfee Rd. Decatur, GA 30032, including payment for the story.

6. Media has settled the litigation with plaintiffs. Only defendant Handspike remains. Handspike is over the age of eighteen (18), is not mentally incompetent and not in the military.

7. This action seeks judgment for the liquidated amount of One Million Dollars (\$1,000,000.00), plus interest at 9% from February 25, 2013, for a total as of One Million One Hundred and Eighty Dollars \$ 1,180,000.00 as of February 25, 2015.

8. The National Enquirer has a weekly subscription of One Million Fifty Thousand per week (1,050,000) per week. See <http://www.nationwideadvertising.com/naten.html> . The story about Robert Brown and Whitney Houston, that was printed one month after her death, received cover story identification and was responsible for sales of the National Enquirer in March 2012. It was one of the biggest stories of 2012.

9. Brown lost offers/contracts of One Hundred Thousand Dollars (\$100,000.00) due the entities ceasing to negotiate to Brown once is was believed that part of his story relating to Whitney Houston had been obtained by the National Enquirer.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: January 6, 2015
Boston, MA

Signed Under the Pains and Penalty of Perjury



Christopher Brown

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALICIA ETHEREDGE-BROWN)	
And ROBERT BROWN	)	Proposed Order for
Plaintiffs	)	Default Judgment
v.)	
)	
AMERICA MEDIA, INC.	)	Civil Action No.
AND DERRICK HANDSPIKE	)	13 CV 1982- JPO
)	
Defendants)	
)	

This action having been commenced on February 25, 2013 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendant, Derrick Handspike, May 30, 2013 by serving Summer Woods who is over the age of eighteen (18) and the cousin of Handspike at his home, and a proof of service having been filed on June 17, 2014 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the liquidated amount of \$1,000,000.00 with interest at 9% from February 25, 2013 through February 25, 2015 amounting to \$1,180,000.00 plus costs and disbursements of this action in the amount of \$ 475.00 amounting in all to \$1,180,475.00.

Dated: New York, New York _____

U.S.D.J.

This document was entered on the docket on _____.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
STATE OF NEW YORK

ALICIA ETHEREDGE-BROWN, et al.

Plaintiff,

vs.

AMERICAN MEDIA, INC., et al.

Defendant.

CIVIL ACTION

CASE NO.: 13CV1982-JPO

AFFIDAVIT OF SERVICE

COMES NOW, KELVIN STINYARD, a United States citizen and over the age of 18 years,
before the undersigned officer duly authorized to administer oaths, and, being sworn on oath,
deposes and states as follows:

1.

I served DERRICK HANDSPIKE with the below-listed documents in this matter, in the below-described
manner,

at 2464 MCAFEE RD, DECATUR, GA 30032,

on January 12, 2015, at 3:05 PM:

MOTION FOR ENTRY OF DEFAULT JUDGEMENT / NOTICE OF MOTION FOR DEFAULT
JUDGEMENT / AFFIDAVIT OF CHRISTOPHER BROWN IN SUPPORT OF MOTION FOR ENTRY / PROPOSED
ORDER

Said documents were served by leaving with the subject's grandmother who refused to provide her name.

2.


KELVIN STINYARD
Attorneys' Personal Services, Inc.

Sworn to and subscribed
before me this 12th day
of January, 2015

Notary Public

