

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: n/a NAME: <b>Mark Christopher Tracy</b> FIRM NAME: n/a STREET ADDRESS: <b>1130 Wall St. #561</b> CITY: <b>La Jolla</b> STATE: <b>CA</b> ZIP CODE: <b>92037</b> TELEPHONE NO.: <b>929-208-6010</b> FAX NO.: E-MAIL ADDRESS: <b>m.tracy@echo-association.com</b> ATTORNEY FOR (name): <b>Pro Se Plaintiff</b>	FOR COURT USE ONLY  <b>FILED</b> 3/19/2024 Clerk of the Court Superior Court of CA County of Santa Clara  23CV423435  By: <b>suy</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: <b>201 N. First Street Attn: Civil Dept</b> MAILING ADDRESS: <b>191 N. First Street Attn: Civil Dept</b> CITY AND ZIP CODE: <b>San José 95113</b> BRANCH NAME: <b>Downtown Superior Court</b>	
Plaintiff/Petitioner: <b>Mark Christopher Tracy, an individual</b> Defendant/Respondent: <b>Cohne Kinghorn et al.</b>	
REQUEST FOR <input type="checkbox"/> Entry of Default <input type="checkbox"/> Clerk's Judgment (Application) <input checked="" type="checkbox"/> Court Judgment <b>[Amended]</b>	CASE NUMBER: <b>23CV423435</b>
Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105)	

1. TO THE CLERK: On the complaint or cross-complaint filed
- on (date): **September 21, 2023**
  - by (name): **Mark Christopher Tracy**
  - Enter default of defendant (names):

- d.  I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names): **R. Steve Creamer [Note: Default against Defendant R. Steve Creamer entered on March 6, 2024; hearing scheduled pursuant to CCP § 585(b) for May 2, 2024 at 9:00 AM]**  
 (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
- e.  Enter clerk's judgment
- for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)  
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The *Prejudgment Claim of Right to Possession* was served in compliance with Code of Civil Procedure section 415.46.
  - under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
  - for default previously entered on (date):

2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$ (See CCP § 425.10(b)) 0	\$ 0	\$ 0
b. Statement of damages*			
(1) Special	\$ 151,000,000.00	\$	\$ 151,000,000.00
(2) General	\$ 3,350,000.00	\$	\$ 3,350,000.00
c. Interest	\$ 0	\$	\$ 0
d. Costs (see reverse)	\$ 530.00	\$	\$ 530.00
e. Attorney fees	\$ 0	\$	\$ 0
f. TOTALS	\$ 154,350,530.00	\$	\$ 154,350,530.00

- g. Daily damages were demanded in complaint at the rate of: \$ \_\_\_\_\_ per day beginning (date): \_\_\_\_\_  
 (\* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)
3.  (Check if filed in an unlawful detainer case.) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).

Date: **March 19, 2024**  
**Mark Christopher Tracy**  
 (TYPE OR PRINT NAME)  (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

<b>FOR COURT USE ONLY</b>	(1) <input checked="" type="checkbox"/> Default entered as requested on (date): <b>3/19/2024</b>	<b>NO PROPOSED JUDGMENT FORM PROVIDED</b>	
	(2) <input type="checkbox"/> Default NOT entered as requested (state reason):		
	<b>3/21/2024</b> Clerk, by <b>SUY</b>		Deputy <span style="float: right;">Page 1 of 3</span>

Plaintiff/Petitioner: <b>Mark Christopher Tracy</b> Defendant/Respondent: <b>Cohne Kinghorn PC, et al.</b>	CASE NUMBER: <b>23CV423435</b>
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4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant  did  did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- a. Assistant's name:
- b. Street address, city, and zip code:
- c. Telephone no.:
- d. County of registration:
- e. Registration no.:
- f. Expires on *(date)*:

5.  **Declaration under Code Civ. Proc., § 585.5** (for entry of default under Code Civ. Proc., § 585(a)). This action

- a.  is  is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
- b.  is  is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c.  is  is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a.  **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
- b.  **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:

- (1) Mailed on *(date)*: **March 15, 2024**
- (2) To *(specify names and addresses shown on the envelopes)*:  
**(See Proof of Service for Request for Entry of Court Judgment Against Defendant R. Steve Creamer)**

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.  
Date: **March 19, 2024**

**Mark Christopher Tracy**  
(TYPE OR PRINT NAME)   
(SIGNATURE OF DECLARANT)

7. **Memorandum of costs** (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees ..... \$ **435.00**
- b. Process server's fees ..... \$ **95.00**
- c. Other *(specify)*: .....
- d. .... \$
- e. **TOTAL** ..... \$ **530.00**

- f.  Costs and disbursements are waived.
- g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.  
Date: **March 19, 2024**

**Mark Christopher Tracy**  
(TYPE OR PRINT NAME)   
(SIGNATURE OF DECLARANT)

Plaintiff/Petitioner: <b>Mark Christopher Tracy</b> Defendant/Respondent: <b>Cohne Kinghorn PC, et al.</b>	CASE NUMBER: <b>23CV423435</b>
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8. **Declaration of nonmilitary status** (required for a judgment).

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because (check all that apply):

- a.  the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b.  I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c.  I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d.  I know that the defendant/respondent was discharged from U.S. military service on or about (date):
- e.  the defendant/respondent is not eligible to serve in the U.S. military because they are:  
 incarcerated  a business entity
- f.  other (specify):

**In the Desert News article entitled “Steve Creamer resigns as EnergySolutions CEO” dated February 19, 2010, the age of Defendant R. Steve Creamer is reported as 58 at that time and is therefore not eligible for military service (see “https://www.deseret.com/ 2010/2/20/20097265/steve-creamersigns-as-energysolutions-ceo” last visited on January 4, 2024).**

**Note**

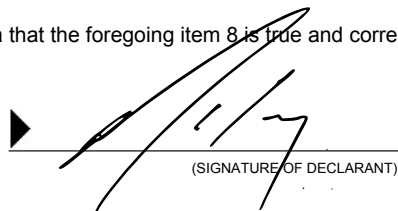
- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 8 is true and correct.

Date: **March 19, 2024**

**Mark Christopher Tracy**

(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

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