

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	Case No. 07 C 5597
)	
v.)	Judge Wayne R. Andersen
)	
SPEAR SYSTEMS, INC., a)	Magistrate Judge Michael T. Mason
Wyoming corporation, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT XAVIER RATELLE

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Federal Trade Commission (“Commission” or “FTC”) hereby moves for entry of default against Defendant Xavier Ratelle.

In support of its motion, the FTC states as follows:

1. On October 3, 2007, the FTC filed a Complaint for Injunctive and Other Equitable Relief, naming, among others, Xavier Ratelle as a defendant. On May 8, 2008, the FTC filed a motion to amend its complaint, which the Court granted on May 15, 2008. Ratelle remained a defendant on the Amended Complaint. In connection with the Amended Complaint, the Clerk’s Office for the Northern District of Illinois issued a summons for Xavier Ratelle on May 19, 2008. (See 5/19/2008 Docket Entry.)

2. On November 12, 2008, Xavier Ratelle was served with copies of the summons and Amended Complaint via registered mail. (See Exhibit A.)

3. On December 4, 2008, the Central Authority for Quebec served copies of the

summons and Amended Complaint, both in English and translated into French, upon Ratelle. (*See* Exhibit B.) The Central Authority has the right to execute service pursuant to Article 5 of the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters.

4. Ratelle has failed to file any response, answer, or pleading within twenty days of service as required by Rule 12(a) of the Federal Rules of Civil Procedure.

For the foregoing reasons, the FTC requests that this Court enter default against Defendant Xavier Ratelle, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

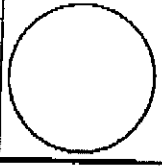
Respectfully Submitted,

William Blumenthal
General Counsel

/s/ Marissa J. Reich
Steven M. Wernikoff
Marissa J. Reich
Attorneys for Plaintiff
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
(312) 960-5634 [Telephone]
(312) 960-5600 [Facsimile]

Dated: December 29, 2008

MHW

Completed by the office of origin (A remplir par le bureau d'origine)	Item Description (Nature de l'envoi)		<input checked="" type="checkbox"/> Registered Article (Envol recommandé)	<input type="checkbox"/> Letter (Lettre)	<input type="checkbox"/> Printed Matter (Imprimé)	<input type="checkbox"/> Other (Autre)	<input type="checkbox"/> Recorded Delivery (Envol à livraison attestée)	<input type="checkbox"/> Express Mail International
	<input type="checkbox"/> Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)	Article Number		FILED			
	Office of Mailing (Bureau de dépôt)		Date of Posting (Date de dépôt)		NOV 18 2008 JH			
Completed at destination (A compléter à destination)	Addressee Name or Firm (Nom ou raison sociale du destinataire)		Street and No. (Rue et No.)		Date of Posting (Date de dépôt)			
	YAVIER KATELLE		8554 SAINT-DENIS, MONTREAL, QUEBEC		NOV 18, 2008			
	H2P 2N2-CANADA		CLERK, U.S. DISTRICT COURT		MICHAEL W. DOBBINS			
This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the final mail. (Ce avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)		<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)		Date		Postmark of the office of destination (Timbre du bureau de destination)		
Signature of Addressee (Signature du destinataire)		Office of Destination Employee Signature (Signature de l'agent du bureau de destination)		11-12-08				
YAVIER KATELLE		J. Andersen		PS Form 2865, February 1997 (Reverse)		07C-5597		

07C 5597

BETWEEN:

FEDERAL TRADE COMMISSION

Plaintiff(s)

-and-

SPEAR SYSTEMS INC. & ALS.

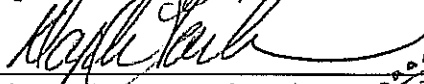
Defendant(s)

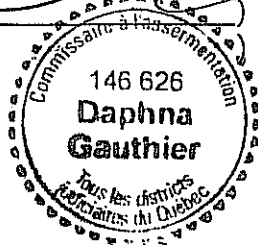
AFFIDAVIT OF SERVICE

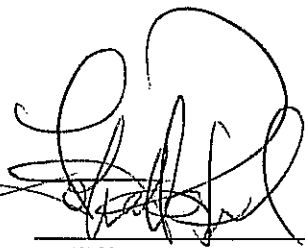
I, JOHNATTAN RUEL, Bailiff having an office at 420 Saint-Dizier Street, Suite 100 in Montreal, Province of Quebec, **MAKE OATH AND SAY AS FOLLOWS:**

1. That on Thursday, the 4th day of December, 2008 at 10:02 a.m., I served XAVIER RATELLE, ADMINISTRATOR with the **SUMMONS AND AMENDED COMPLAINT WITH TRANSLATION IN FRENCH** by leaving copies with a person in care and control at the time of service to Ms. Katia Vaillancourt, secretary at the place of business situated at 8554 Saint-Denis Street in Montreal, Quebec (Canada).
2. I was able to identify this person by means verbal acknowledgment.

SWORN before me at the City
of Montreal, in the Province of
Quebec this 4th day of December, 2008


Commissioner of Oaths





Bailiff # 892



**GAUTHIER • LEVY
ASSOCIÉS**

HUISSIERS DE JUSTICE

Tél.: (514) 871-0050 Fax: (514) 871-1390
420 St-Dizier • suite 100 • Montréal • Qc • H2Y 3P8

CERTIFICATE

Addressee: XAVIER RATELLE

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,

1) that the document has been served

- the (date)
4th day of December, 2008 at 10:02 a.m.

- at (place, street, number)
8554 Saint-Denis Street, Montreal, Quebec (Canada)

- in one of the following methods authorised by article 5:

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention

(b) in accordance with the following particular method
by leaving copies with a person in care and control at the time of service

(c) by delivery to the addressee, if he accepts it voluntarily

The documents referred to in the request have been delivered to:

- (Identity and description of the person)
Ms. Katia Vaillancourt

- relationship to the addressee (family, business or other)
Secretary

2) that the document has not been served, by reason of the following facts:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement

ANNEXES

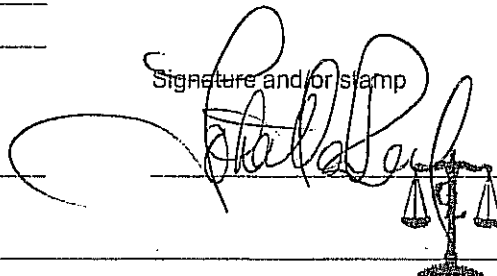
Documents returned:

SUMMONS & AMENDED COMPLAINT
WITH TRANSLATION IN FRENCH

Done at Montreal, the 4 of December 2008

Documents establishing the service

Signature and/or stamp



GAUTHIER • LEVY
ASSOCIÉS

HUISSIERS DE JUSTICE