

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
04-CVS-8736

THOMAS F. MCCLEERY et al,)
)
 Plaintiffs,)
)
 v.)
)
 JAMES CHARLES REIVES; LOUIS)
 MICHAEL LAZORWITZ; JACKIE)
 DOBSON PRITCHETT; LAZOR, LTD.;)
 AND TRI-STAR INVESTMENT)
 GROUP, LLC a/k/a TRI-STAR)
 INVESTMENT GROUP)
)
 Defendants.)

**MOTION AND AFFIDAVIT
FOR ENTRY OF DEFAULT
(EODF)**

NOW COME the Plaintiffs, pursuant to Rule 55(a) of the North Carolina Rules of Civil Procedure, and moves the Clerk of Superior Court for Entry of Default in the above entitled action against Defendants JAMES CHARLES REIVES; LOUIS MICHAEL LAZORWITZ; JACKIE DOBSON PRITCHETT; LAZOR, LTD.; AND TRI-STAR INVESTMENT GROUP, LLC a/k/a TRI-STAR INVESTMENT GROUP.

In support of this motion, CHRISTOPHER M. RISER makes the following Affidavit:

STATE OF GEORGIA

DEKALB COUNTY SS:

CHRISTOPHER M. RISER, being duly sworn, deposes and says that:

1. Plaintiffs' Summons and Complaint were served on the Defendants on the following dates:

JAMES CHARLES REIVES

November 17, 2004

LOUIS MICHAEL LAZORWITZ

July 6, 2004

JACKIE DOBSON PRITCHETT July 7, 2004

LAZOR, LTD. July 6, 2004

TRI-STAR INVESTMENT GROUP, LLC

a/k/a TRI-STAR INVESTMENT GROUP October 26, 2004

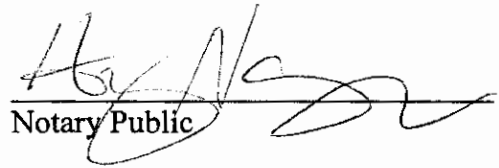
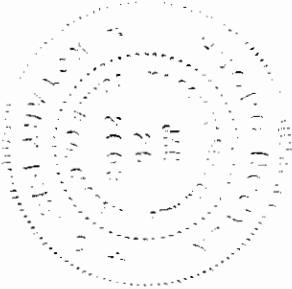
2. Plaintiffs' Second Amended Complaint was served on Defendants, JAMES CHARLES REIVES, LOUIS MICHAEL LAZORWITZ, JACKIE DOBSON PRITCHETT, LAZOR, LTD., AND TRI-STAR INVESTMENT GROUP, LLC a/k/a TRI-STAR INVESTMENT GROUP by first-class mail on February 9, 2004.
3. Plaintiffs' Third Amended Complaint was served on Defendants, JAMES CHARLES REIVES; LOUIS MICHAEL LAZORWITZ; JACKIE DOBSON PRITCHETT; LAZOR, LTD.; AND TRI-STAR INVESTMENT GROUP, LLC a/k/a TRI-STAR INVESTMENT GROUP by first-class mail on March 29, 2004.
4. Plaintiffs' Fourth Amended Complaint was served on Defendants, JAMES CHARLES REIVES, LOUIS MICHAEL LAZORWITZ, JACKIE DOBSON PRITCHETT, LAZOR, LTD., AND TRI-STAR INVESTMENT GROUP, LLC a/k/a TRI-STAR INVESTMENT GROUP by first-class mail on April 6, 2005.
5. No answer, other responsive pleading to the complaint, or extension of time to file an answer or any responsive pleading has been filed, requested by or granted to or by any Defendant.
6. The time within which an answer or other responsive pleading may be filed has expired.

7. Affiant has expended in excess of 200 hours in the prosecution of this action and customarily charges \$350 per hour for similar matters.



CHRISTOPHER M. RISER

SUBSCRIBED AND SWORN TO BEFORE ME this 8th day of April, 2005.

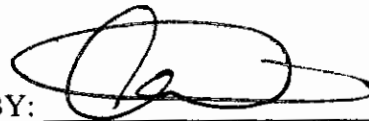


Notary Public

WHEREFORE, the Plaintiffs request that the Court grant an entry of default against Defendants JAMES CHARLES REIVES, LOUIS MICHAEL LAZORWITZ, JACKIE DOBSON PRITCHETT, LAZOR, LTD., AND TRI-STAR INVESTMENT GROUP, LLC a/k/a TRI-STAR INVESTMENT GROUP. A proposed Entry of Default is submitted with this Motion.

This the 8th day of April, 2005.

RISER ADKISSON LLP



BY: _____
Christopher M. Riser
Attorney for Plaintiff
N.C. State Bar No. 24485
4094 Barrett Drive
Raleigh NC 27609
Tel. (919) 755-1118
Fax (919) 573-0470

CERTIFICATE OF SERVICE

This is to certify that a copy of the preceding Motion and Affidavit for Entry of Default has been duly served by depositing a copy thereof in the United States mail, first-class, postage prepaid, addressed to the following:

James Charles Reives
Inmate Number 18779-056
USP Lee
U.S. Penitentiary
Post Office Box 305
Jonesville, VA 24263

Louis Michael Lazowitz
Inmate Number 21578-056
FCI Beaumont Medium
Federal Correctional Institution
P.O. Box 26040
Beaumont, TX 77720

Jackie Dobson Pritchett
Inmate Number 21513-056
FCI Marianna
Federal Correction Institution
P.O. Box 7007
Marianna, FL 32447

Lazor, Ltd.
c/o Louis Michael Lazowitz, Principal
Inmate Number 21578-056
FCI Beaumont Medium
Federal Correctional Institution
P.O. Box 26040
Beaumont, TX 77720

Tri-Star Investment Group, LLC
a/k/a Tri-Star Investment Group
c/o Louis Michael Lazowitz, Principal
Inmate Number 21578-056
FCI Beaumont Medium
Federal Correctional Institution
P.O. Box 26040
Beaumont, TX 77720

This the 8th day of April, 2005.

RISER ADKISSON LLP



BY: _____

Christopher M. Riser
Attorney for Plaintiff
N.C. State Bar No. 24485
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Raleigh NC 27609
Tel. (919) 755-1118
Fax (919) 573-0470