

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

DEAFUEH MONBO
JUAHDI MONBO
Plaintiffs

* **Civil Action No: 1:21-CV-02287-ABJ**

v.

ELIZABETH C. LEAMING (individually and
in her official capacity; JACK W. FISCHER,
(individually and in his official capacity);
BARRY F. ARMATA (individually and in his
official capacity); MARK STABILE
(individually and in his official capacity), and
TAMMY FLUET (individually and in her
official capacity)

Defendants

* * * * *

PLAINTIFFS' REPLY TO DEFENDANTS' OBJECTION TO REQUEST FOR DEFAULT

NOW COMES, Plaintiffs, Deafueh Monbo and Juahti Monbo and submit their reply Defendants' Objection To Request For Default (Dkt 14 and Dkt 16) and state as follows:

FACTS

1. The Complaint (Dkt 1) was filed on August 27, 2021 to redress the deprivation of well-established rights secured to them by the Fourth and Fourteenth Amendments of the Constitution of the United States of America, and the Connecticut Rules of Criminal Procedures.
2. The Summons was electronically issued on September 7, 2021. (Dkt 3)
3. Defendants were served with a copy of the Summons and Complaint on September 8, 2021 as reflected on the docket sheet by the proof of service filed on September 13, 2021. (Dkt 5)
4. An answer to the complaint was due on September 29, 2021.
5. Defendants have failed to appear, plead or otherwise defend within the time allowed and, therefore, are now in default. (Dkt 11)



ARGUMENT

I. Defendants do not have a meritorious defense.

The Federal Rules of Civil Procedure provide for the entering of a default "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, and that fact is made to appear by affidavit or otherwise." *Fed.R.Civ.P. 55(a)*.

In order to set aside an entry of default, there are three main factors that a trial court must consider in determining whether or not to set aside an entry of default. These factors are:

- (1) whether the default was willful;
- (2) whether setting it aside would prejudice the adversary; and
- (3) whether a meritorious defense is present.

United States v. One Parcel of Real Property, 763 F.2d 181 (5th Cir.1985).

Here, in this case, the Defendants do not have any meritorious defenses to the Plaintiffs' claims. Additionally, the Plaintiffs will be prejudiced if the Clerk of the Court violates Fed. R. Civ. P. 55(a) and does not enter the entry of default after Defendants have already gone into default on October 5, 2021.

II. Attorneys Alma R. Nunley and Stephen R. Finucane are not authorized to practice law in the District of Columbia.

Attorneys Alma R. Nunley and Stephen R. Finucane are not authorized to practice law in the District of Columbia.

Attorneys Alma R. Nunley and Stephen R. Finucane are not licensed in the District of Columbia. Furthermore, Attorneys Alma R. Nunley and Stephen R. Finucane are not members of the District of Columbia Bar. See **Exhibit 1** and **Exhibit 2**

Attorneys Alma R. Nunley and Stephen R. Finucane may not appear or file papers in this case without complying with the admission requirements of this United States District Court for the District of Columbia. *See Exhibit 3*

Defendants' Attorneys Alma R. Nunley and Stephen R. Finucane have not complied with the admission requirements of this United States District Court for the District of Columbia. Thus, they are precluded from appearing or filing papers in this case.

Respectfully Submitted

[Redacted signature]

[Redacted signature]

Dated: October 9, 2021

[Redacted signature]

[Redacted signature]

CERTIFICATE OF SERVICE

I hereby certify that a copy of this PLAINTIFFS' REPLY TO DEFENDANTS' OBJECTION TO REQUEST FOR DEFAULT was mailed on October 9, 2021 to defendants at the below address:

1. Alma R. Nunley, Esq
165 Capitol Ave., 5th Floor
Hartford, CT 06106
For Defendants, Jack W. Fischer, Barry F. Armata, and Tammy Fluet

2. Stephen R. Finucane, Esq
110 Sherman Street
Hartford, CT 06105
For Defendants, Elizabeth C. Leaming and Mark Stabile

[REDACTED]


[REDACTED]

EXHIBIT 1



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EXHIBIT 2



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EXHIBIT 3

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA**

APPLICATION FOR ADMISSION

This is a petition for admission to practice before the bar of this Court. Admission to the Bar of this Court is limited to: (1) attorneys who are active members in good standing of the District of Columbia Bar; or (2) attorneys who are active members in good standing of the Bar of any state in which they maintain their principal law office; or (3) in-house attorneys who are active members in good standing of the Bar of any state and who are authorized to provide legal advice in the state in which they are employed by their organization client.

Application Submission

Effective October 7, 2019, you must upload and submit your application electronically via PACER. Tutorial instructions can be found on the court's website at:

<https://www.dcd.uscourts.gov/sites/dcd/files/NextGENTutorialforApplyingforAdmission.pdf>

Fees

The application fee is **\$213.00** (effective 12/1/2020). Of this amount, \$25.00 is deposited to the credit of funds used to pay the expenses of the Clerk's Trustee Account, \$168.00 is for statutory fees for administering the oath and issuing the certificate of admission, and \$20.00 is deposited into the fund for Judicial Services established under 28 U.S.C. § 1931. Once your application has been accepted, you will receive an e-mail notification requesting payment of the fee.

Sponsor's Affidavit

The Sponsor's affidavit and motion form is to be completed by an attorney who is a member in good standing of the bar of this Court and who has known the applicant for at least one year. This affidavit may not be waived.

Certificate of Good Standing

In order to confirm your membership of the required Bar in accordance with LCvR 83.2, please provide a Certificate of Good Standing from the District of Columbia Bar, or the Bar of any state in which you maintain your principle office. The certificate must be issued within a year of the date of your application.

Renewal

In October 1989, the United States District Court for the District of Columbia amended and adopted a number of Local Rules dealing with the admission and practice of attorneys. LCvR 83.9 requires that each member of the bar of this Court renew his or her membership every three years by filing with the Clerk of the Court, on or about July 1st of every third year, a renewal certificate and by paying a renewal fee in the amount of \$25.00.

Notification of the renewal requirement and the renewal certificate are electronically mailed to the last known e-mail address of all applicable attorneys prior to the renewal date. Attorneys who do not renew will not be able to practice or file pleadings in the District Court.

Ceremony

ATTENTION: Due to the COVID-19 Pandemic, the United States District and Bankruptcy Courts for the District of Columbia have canceled all Attorney Admission Ceremonies until further order of the Court.

Admission ceremonies are held on the first Monday of each month (except when Monday is a holiday, then the ceremony is held the following Monday). You will be scheduled for the first ceremony after the petition is timely received. Timely receipt means receiving the petition in this office on or before the closing date indicated for each ceremony date. Please arrive no later than 9:00 A.M., as entry into the courtroom is prohibited after 9:25 A.M. Enclosed you will find a list of the closing and ceremony dates for the current year. Please retain this page for your records. The courtroom designated for the ceremony is Ceremonial Courtroom 20 on the sixth floor of the courthouse. Your sponsor is welcome but is not required to attend the ceremony. A reception in the Judges' Dining Room given by the DC Chapter of the Federal Bar Association and the United States District Court will immediately follow the ceremony.

If you are unable to attend a particular ceremony, please notify this office before the ceremony date so that you may be rescheduled for the following month. You will be given a limit of two chances to reschedule an admission ceremony, after which your petition and admission fees will be forfeited. If you fail to attend the ceremony without notifying us in advance, your petition will be delayed for three months. If you fail to appear for two admission ceremonies even though we have notified you of the scheduled dates for these ceremonies, you will forfeit your admission fees accompanied by your petition. Petitions will be kept on file for six months.

If you plan to ride Metro rail, the nearest station is Judiciary Square; use the 4th Street exit. Please keep this page until after you have been admitted, as it contains all the information you will need.

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA
ATTORNEY ADMISSIONS
333 CONSTITUTION AVENUE, NW
ROOM 1225
WASHINGTON, DC 20001
(202) 354-3110**

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA**

IN THE MATTER OF THE APPLICATION OF:

(Print your name as you wish for it to appear in the records of the court.)

FOR ADMISSION TO PRACTICE

PETITION

I, _____, hereby petition the United States District and Bankruptcy Courts for the District of Columbia to admit me to practice before the aforementioned Court, and in support of my petition:

(Date admitted to DC Bar)

(DC Bar No.)

(Principal Office - Firm Name)

(Street Address)

(City, State, Zip Code)

(Telephone Number)

(Date of Birth)

(Last four (4) digits of SSN)

E-Mail Address _____

Residence Address:

Street _____

City _____

State _____

Zip Code _____

Telephone No. _____

Admitted to State Bar of _____

Date Admitted _____

OR

In-House Attorney Admitted in _____

Date Admitted _____

My legal training (Law School attended & graduation date) and experience are as follows (attach additional sheets, if necessary): _____

All occasions, if any, on which I have been held in contempt of Court are set forth as follows: (If none, so state.) (State the nature of the contempt and the final disposition thereof. Attach additional sheets if necessary.) _____

All occasions, if any, on which I have been convicted of a crime, censured, suspended, disciplined or disbarred by any Court are set forth as follows: (If none, so state.) (State the facts and circumstances connected therewith. Attach additional sheets if necessary.) _____

The Local Rules of this Court place certain requirements on counsel for admission to the Bar of this Court and also to practice. Please check the requirements that apply. In addition to requirement #1, either requirement #2 or #3 must be checked before the petition will be accepted. If you wish to appear as sole or lead counsel in a contested evidentiary hearing or trial on the merits, at least one of the listed requirements on the bottom portion of the certificate must be checked.

ADMISSION TO PRACTICE CERTIFICATE

In compliance with LCvR 83.8(b)(6) and LCrR 57.21(b)(6) the undersigned applicant hereby certifies that:

(MANDATORY)

#1 _____ I have read and am familiar with the provisions of the Judicial Code (Title 28 United States Code) which pertain to the jurisdiction of and practice in the U.S. District Courts, the Rules of the United States District Court for the District of Columbia, and the Rules of Professional Conduct as adopted by the District of Columbia Court of Appeals [LCvR 83.8(b)(6)(i),(iii)and(iv)/LCrR 57.21(b)(6)(i),(iii) and (iv)]; D.C. Bar Voluntary Standards for Civility in Professional Conduct, adopted by the Bar on June 18, 1996 (attached as Appendix B) [LCvR 83.8(b)(6)(v)]; [LCrR 57.21(b)(6)(v)]; and

#2 _____ I am familiar with the Federal Rules of Civil Procedure [LCvR 83.8(b)(6)(ii)];
and/or

#3 _____ I am familiar with the Federal Rules of Criminal Procedure [LCrR 57.21(b)(6)(ii)].

An attorney who wishes to appear as sole or lead counsel in a contested evidentiary hearing or trial on the merits further certifies that:

- #4 _____ I have previously acted as sole or lead counsel in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction in a contested jury or bench trial or other contested evidentiary hearing in which testimony was taken in open court and an order or other appealable judgment was entered. [LCvR 83.2(b)(1) and LCrR 44.1(b)(1)]; **OR**
- #5 _____ I have participated in a junior capacity in an entire contested jury or bench trial in a federal district court or the Superior Court of the District of Columbia or a state trial court of general jurisdiction. [LCvR 83.2(b)(2) and LCrR 44.1(b)(2)]; **OR**
- #6 _____ I have satisfactorily completed a continuing education trial advocacy course of at least 30 hours sponsored by the District of Columbia Bar or accredited by a State Bar. [Local Rule 83.2(b)(3) and LCrR 44.1(b)(3)].

In consideration of LCvR 83.11, the undersigned applicant certifies that:

- #7 _____ I have read LCvR 83.11 and understand that members in good standing of the bar of this Court have an obligation to assist or represent the needy in civil matters before this Court whenever requested by the Court and if necessary, without compensation. I have read LCvR 83.11 and understand that the Court has established a voluntary Civil Pro Bono Panel from which attorneys may be appointed by the Court to represent indigent pro se litigants.

(DATE)

(PETITIONER'S SIGNATURE)

(PLEASE PRINT OR TYPE - EXCEPT FOR SIGNATURE)

PETITIONER'S NAME: _____

SPONSOR'S AFFIDAVIT AND MOTION

I, _____, was admitted to practice before the UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA on _____, 20____. My bar number is _____ and I am currently an active member in good standing of the Bar of the United States District Court for the District of Columbia. I have known the petitioner for at least one year, under the following circumstances: _____

My knowledge of said petitioner's moral character is as follows: _____

My knowledge of said petitioner's experience is as follows: _____

I am satisfied that the petitioner has the necessary qualifications to become a member of the bar of this Court, and I, therefore, move his/her admission.

I declare under penalty of perjury that the foregoing is true and correct.

(DATE)

(SIGNATURE OF SPONSOR)

FIRM NAME _____

OFFICE ADDRESS _____

TELEPHONE _____

Note: Original signatures only.

Revised 6/2021

UNITED STATES DISTRICT AND BANKRUPTCY COURTS FOR THE DISTRICT OF COLUMBIA

2021 ATTORNEY ADMISSION

Due to the COVID-19 Pandemic, the United States District and Bankruptcy Courts for the District of Columbia have canceled all Attorney Admission Ceremonies until further order of the Court. Please review the 2021 Admission dates below and the corresponding Application, Fee, and Oath deadlines.

Application Due By:	Application Fee and Oath Due By:	For Admission on:
December 18, 2020	December 23, 2020	January 4, 2021
January 15, 2021	January 27, 2021	February 1, 2021
February 12, 2021	February 24, 2021	March 1, 2021
March 19, 2021	March 24, 2021	April 5, 2021
April 16, 2021	April 28, 2021	May 3, 2021
May 21, 2021	June 2, 2021	June 7, 2021
June 18, 2021	June 30, 2021	July 6, 2021
July 16, 2021	July 28, 2021	August 2, 2021
August 27, 2021	September 8, 2021	September 13, 2021
September 17, 2021	September 29, 2021	October 4, 2021
October 15, 2021	October 27, 2021	November 1, 2021
November 19, 2021	December 1, 2021	December 6, 2021

Revised 6/2021

NOTE: The Admission Application shall be submitted via PACER. Once the application has been approved, you will receive an email requesting payment, in addition to a request for a signed Oath of Admission. When all the Attorney Admission requirements have been met and the Order of Admission is signed by the confirmed Motions Judge, you will receive a notice through PACER confirming admission. If you have any questions, please email us at attorney_admissions@dcd.uscourts.gov.

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