

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

HER IMPORTS)	
)	
Plaintiff,)	
vs.)	Case No. 1:22-cv-03243
)	
CABELLO REAL, LTD)	Honorable Nancy L. Maldonado
incorporated in the United Arab)	
Emirates, CABELLO REAL FZE,)	
incorporated in the United Arab)	
Emirates, JOHN DOES 1-10 and Roe)	
Corporations 1-10.)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT
JUDGMENT AND ORDER SETTING PROVE-UP HEARING**

Plaintiff HER IMPORTS, through their attorney, respectfully moves pursuant to Fed.R.Civ.P. 55(b)(2) for entry of a default judgment and order setting a prove-up hearing, in the form attached or otherwise, against Defendants CABELLO REAL, LTD and CABELLO REAL FZE, (together will be referred to at times as “Defendants”). In support, Plaintiff respectfully states as follows:

1. This is a civil action seeking reimbursement of the \$753,772, based on funds the Plaintiff advanced to the Defendants, that were not repaid.

2. As set forth in the complaint, the Court has jurisdiction over Counts I (Unjust Enrichment), Count II (Breach of Fiduciary Duty), in the alternative Count III (Conversion) and Count IV (Costs and Expenses). The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and because Plaintiff is a citizen of a state different from any of the Defendants.

3. As is also set forth in the complaint, venue is proper in this district under 28 U.S.C. § 1391 because the Plaintiff has conducted business in Cook County, Illinois for the past three years and is subject to personal jurisdiction in this District.

4. As set forth in the complaint, the Cabello entities, which together own approximately 64% of the Plaintiff are indirectly controlled by Patrick Johnathan William Terry, a Canadian citizen, who is a resident of the United Arab Emirates, who is currently living in Mexico.

5. As set forth in the complaint, Mr. Terry started asking the Plaintiff to pay bills, and pay special bonuses under the pretense that he was helping build the business for Her Imports.

6. As set forth in the complaint, the requests for monies continued to increase, and based on the past working relationship, Her Imports accommodated these requests.

7. As set forth in the complaint, Her Imports became suspicious of Mr. Terry's activities, when management learned that some inventory was missing.

8. As set forth in the complaint, under information and belief, management believed Mr. Terry was self-dealing at the expense of the Plaintiff.

9. As set forth in the complaint, the Defendants failed reimburse the Plaintiff \$753,772 for funds advanced.

10. As set forth in the Return of Service forms filed with the Clerk on September 16, 2022, the summonses and complaints were electronically served on each of the defendants on September 9, 2022, making their answers or responsive pleadings due September 30, 2022. See Exhibits A, B attached.

11. Neither of the Cabello entities nor has Patrick Johnathan William Terry answered, filed some other responsive pleading, or had an appearance entered on its or his behalf.

12. The Plaintiff seeks an order finding the Defendants to be in default and setting a prove-up hearing at which time he will be prepared to present evidence as to the damages the Plaintiff has incurred because of the Defendants' unlawful actions as alleged in the complaint.

Dated: October 18, 2022

Respectfully submitted,

/s/ T. J. Jesky
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of October 2022, I shall electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I shall electronically publish the documents on the www.312legal.com website and I will send an e-mail to the e-mail addresses identified in the Declaration of T. J. Jesky (Exhibit C) as well as their Facebook and WhatsApp accounts that includes a link to said website.

//s/ T. J. Jesky
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