

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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SONY BMG MUSIC ENTERTAINMENT,
a Delaware general partnership; et al.,

Plaintiffs,

v.

BRIA STADE,

Defendant.
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DECLARATION OF JONATHAN
EDWARD KIRCHNER IN
SUPPORT OF DEFENDANT'S
MOTION TO SET ASIDE
DEFENDANT'S DEFAULT

Case No.: 6:08-cv-06291-cjs

I, Jonathan Edward Kirchner, declare the following:

1. I am an attorney admitted to practice law before the Courts of the State of New York and this United States District Court. I am the principal of Jonathan Edward Kirchner, P.C.
2. Defendant Bria Stade was allegedly served on October 4, 2008 at her mother's home at 13 Green Hill Road, Rensselaer, New York, same being outside the jurisdiction of this Court.
3. On October 4, 2008, Defendant Bria Stade was studying abroad in Croatia.
4. On or about October 30, 2008, I was contacted by a relative of Defendant Stade and was asked to look over certain documents.
5. Approximately one week later, I agreed to defend the Defendant in the instant matter.
6. However, at that time, your author was not admitted into the Western District of New York. At said time, your author was only admitted into the Eastern District of New York as well as the Southern District of New York.

7. Furthermore, I could not contact Defendant due to her being overseas. I was told that she was expected back in late November.
8. Your author was admitted to practice in this Court on November 14, 2008. However, the Court did not forward my ECF login and password until November 25, 2008.
9. Nevertheless, a default was entered against Defendant on November 7, 2008.
10. Defendant did not willfully default, rather, she was in Europe taking a semester abroad.
11. Defendant has been in default for less than five weeks.
12. Defendant has meritorious defenses, and this matter should be tried on the merits.
13. As Defendant has demonstrated good cause, it is respectfully requested that her Default be set aside.
14. I declare under penalty of perjury that the above is true and correct.

Dated: Holbrook, New York
December 17, 2008


Jonathan Edward Kirchner
Jonathan Edward Kirchner, P.C.
Attorneys for Defendant
4250 Veterans Memorial Highway
Suite 4000 West Wing
Holbrook, New York 11741
(631) 786-2326
(631) 651-8552
jekpc@hotmail.com

TO:
Steven E. Cole
LeClair Korona Giordano Cole LLP
Attorneys for Plaintiff
150 State Street, Suite 300
Rochester, New York 14614
(585) 327-4100
(585) 327-4200
scole@leclairkorona.com