

<p>DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 6TH Street, Boulder, CO 80302 (303) 441-3750</p> <hr/> <p>Plaintiffs: International Association of Certified Home Inspectors</p> <p>Defendants: National Association of Home Inspectors</p> <hr/> <p>Lawyer: MARK COHEN, J.D., LL.M. Address: P.O. BOX 19192 BOULDER, CO 80308 Phone: (303) 638-3410 E-mail: MARK@COHENSLAW.COM URL: WWW.COHENSLAW.COM Atty Reg. # 13178</p>	<p style="text-align: center;">σ COURT USE ONLY σ</p> <hr/> <p>Case No. 16 CV 31016</p> <p>Div.: Ctrm.:</p>
<p>MOTION FOR DEFAULT JUDGMENT WITH ATTORNEY AFFIDAVIT</p>	

Plaintiff moves for judgment by default against Defendant National Association of Home Inspectors ("NAHI"). The basis for this Motion is set forth below.

C.R.C.P. 121, Section 1-15 Certification

NAHI is not represented by counsel, so Plaintiff's counsel was unable to confer with counsel for NAHI. Mr. Blue entered a limited appearance for the purpose of seeking additional time for NAHI to respond to the Complaint, but no attorney has entered an appearance for NAHI for any other purpose. NAHI has not filed an Answer or other responsive pleading. Mr. Blue also represents ASHI.

Plaintiff's counsel has conferred with ASHI's counsel concerning this Motion, and ASHI opposes this Motion.

MOTION

1. Plaintiff filed this action on September 13, 2016.

2. NAHI was properly served with a copy of the Summons and Complaint on September 17, 2016. *See*, Return of Service filed September 20, 2016.

3. On October 24, 2016, Mr. Blue entered a limited appearance on NAHI's behalf of the sole purpose of seeking an extension of time to respond to the Complaint.

4. On October 27, 2016, the Court entered an Order granting NAHI an extension of time to November 21, 2016, to file a response to the Complaint.

5. NAHI has failed to file an Answer or other responsive pleading.

6. C.R.C.P. 55(a) provides:

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 the fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

7. Pursuant to C.R.C.P. 98, venue is proper because NAHI is a non-resident of Colorado and this Complaint designates Boulder as the proper venue.

8. NAHI is an entity. NAHI is not a minor, incapacitated person, officer or agency of the United States or the State of Colorado. NAHI is not in the military service and is not entitled to the protections of the Servicemember's Civil Relief Act.

9. Attached as **EXHIBIT 1** is the Affidavit of Nick Gromicko, InterNACHI's founder and Chief Operating Officer. This Affidavit establishes that as a result of

NAHI's actions, as set forth in the Complaint, InterNACHI has been damaged in the amount of at least \$2,980,876.30.

10. Plaintiff does not seek attorney's fees.

11. Plaintiff submitted a proposed Order and Judgment when Plaintiff filed this Motion.

WHEREFORE, Plaintiffs moves for an Order entering judgment in favor of Plaintiff and against NAHI, and for such other relief as the Court deems just.

INTERNATIONAL ASSOCIATION OF
CERTIFIED HOME INSPECTORS,
Plaintiff,

MARK COHEN, J.D., LL.M. - #13178
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Boulder, CO 80308
(303) 638-3410
mark@cohenslaw.com
PLAINTIFF'S LAWYER

AFFIDAVIT OF PLAINTIFF'S ATTORNEY

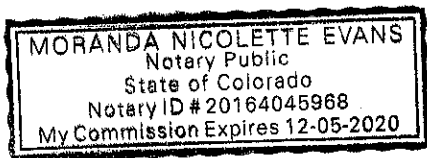
I, Mark Cohen, being first duly sworn upon oath, state I have read the above allegations and I believe them to be true.



MARK COHEN

State of Colorado)
)
County of Boulder)

I certify that on January 24, 2017, Mark Cohen appeared before me and executed this Affidavit after being first duly sworn upon oath.





NOTARY PUBLIC

CERTIFICATE OF SERVICE

I certify that on January 24, 2017, I sent an exact copy of this document to all counsel of record via ICCES.

s/ Mark Cohen
