

Loren Finesmith, Esquire
2915 North 5th Street
Philadelphia, PA 19133
Atty. I.D. #005251993
(215) 291-5009

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2013 MAR -8 PM 4:12

SUPERIOR COURT/CAMDEN COUNTY Attorney for Plaintiffs

Mary O. Mendez, Individually and as	:	SUPERIOR COURT OF NEW JERSEY
Mother of the Decedent in her own right	:	CAMDEN COUNTY
And as Administratrix of the Estate of	:	LAW DIVISION
Bryan Jadiel Mendez, Deceased, et al.	:	
	:	
Plaintiffs	:	DOCKET NO.: CAM-L-3214-12
	:	
v.	:	CIVIL ACTION
	:	
Eric K. Yahav, M.D., et al.	:	REQUEST FOR ENTRY OF DEFAULT
	:	AS TO DEFENDANT ERIC K. YAHAV,
Defendants	:	M.D.

To: Law Division Clerk
Superior Court of New Jersey
Law Division - Camden County

Pursuant to R 4:43-1 and the accompanying Affidavit of Loren Finesmith, Esquire, filed herewith, please enter the default of defendant Eric K. Yahav, M.D. for failure to plead or otherwise defend as provided by the Current New Jersey Court Rules..

Respectfully submitted,

Loren Finesmith, Esquire
2915 North 5th Street
Philadelphia, PA 19133
Atty. I.D. #005251993
(215) 291-5009
Attorney for Plaintiffs

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Attorney for Plaintiffs

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Plaintiffs	:	DOCKET NO.: CAM-L-3214-12
	:	
v.	:	CIVIL ACTION
	:	
Eric K. Yahav, M.D., et al.	:	AFFIDAVIT IN SUPPORT OF REQUEST
	:	FOR ENTRY OF DEFAULT AGAINST
Defendants	:	DEFENDANT ERIC K. YAHAV, M.D.

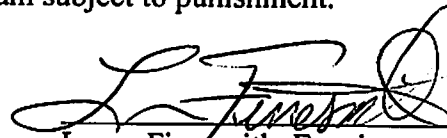
Loren Finesmith, being duly sworn, deposes and says:

1. I am a member of the Bar of this court and am attorney for plaintiffs in the above-entitled action, and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to R. 4:43-1, in support of plaintiff's application for the Entry of Default against Defendant Eric K. Yahav, M.D.
3. This is professional malpractice, i.e., medical malpractice, nursing malpractice and corporate negligence, action for unliquidated damages.
4. This action was commenced on by the filing of the summons and complaint on July 20, 2012. A copy of the summons and complaint was served on Defendant Eric K. Yahav, M.D. on August 9, 2012, by the Camden County Sheriff's Department by personal service on his authorized agent for service, and proof of service was filed with the Court. A true and correct copy of the Affidavit of Service is attached hereto as Exhibit "A."

5. Defendant Eric K. Yahav, M.D., was required to file an answer or other responsive pleading to the Complaint on or before September 14, 2012. The defendant has not answered or otherwise plead in response to the Complaint and the time for the defendant to answer or otherwise plead in response to the complaint has expired and has not been extended.

6. Default should be entered against Defendant Eric K. Yahav, M.D., because he has not filed an answer or other response to the Complaint within the time permitted by the Current New Jersey Court Rules.

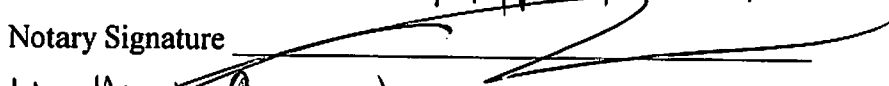
I certify that the foregoing statements made by me are true. I am aware that if any of the following statements made by me are willfully false, I am subject to punishment.

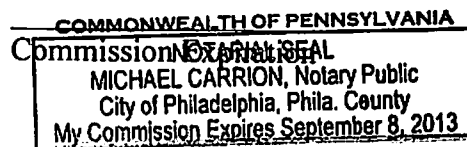

Loren Finesmith, Esquire

Subscribed and sworn to me

this 24 day of MARCH, 2013

Notary Signature


MICHAEL CARRION
Name of Notary



EXHIBIT

“A”

MARY O MENDEZ ET AL

Plaintiff

vs.

ERIC CHANG D.O. ET AL

Defendant

Superior Court Of NJ

Camden Venue

Docket Number: CAM L 3214 12

Person to be served (Name and Address):

ERIC K. YAHAV, M.D.
817 FEDERAL ST
CAMDEN NJ 081##

By serving: ERIC K. YAHAV, M.D.

AFFIDAVIT OF SERVICE

(For Use by Private Service)

Attorney: LOREN T. FINESMITH, ESQ
LOREN T. FINESMITH, ESQ
2915 NORTH 5TH ST
PHILADELPHIA PA 19133

Cost of Service pursuant to R. 4:4-3(c)

\$ _____

Papers Served: SUMMONS AND COMPLAINT

Service Data: Served Successfully Not Served

Date/Time: 08/09/2012 11:26AM

Attempts: Date/Time: _____
Date/Time: _____
Date/Time: _____

Delivered a copy to him/her personally

Left a copy with a competent household member over 14 years of age residing therein (Indicate name & relationship at right)

Name of Person Served and relationship/title:

AMELIA MARTINEZ

AUTHORIZED AGENT

Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc. (Indicate name & official title at right)

Description of Person Accepting Service:

SEX: F AGE: 36-50 HEIGHT: 5'4"-5'8" WEIGHT: 100-130 LBS. SKIN: BROWN HAIR: BROWN OTHER: _____

Inserved:

- Defendant is unknown at the address furnished by the attorney
- All reasonable inquiries suggest defendant moved to an undetermined address
- No such street in municipality
- Defendant is evading service
- No response on: Date/Time: _____

Date/Time: _____
Date/Time: _____
Date/Time: _____

Other:

Served Data:

Subscribed and Sworn to me this

10 day of Aug, 2012

Notary Signature: [Signature]

Name of Notary

Commission Expiration

[Signature]

was at the time of service a competent adult, over the age of 18 and not having a direct interest in the litigation. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Process Server

8/10/2012

Date

Claim Number 12003689

EDDIE ACOSTA, JR.
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 15, 2015

Loren Finesmith, Esquire
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Attorney for Plaintiffs

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Mother of the Decedent in her own right and	:	CAMDEN COUNTY
as Administratrix of the Estate of	:	LAW DIVISON
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Plaintiffs	:	DOCKET NO.: CAM-L-3214-12
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v.	:	CIVIL ACTION
	:	
Eric Chang, D.O., et al.	:	
	:	
Defendants	:	

CERTIFICATION

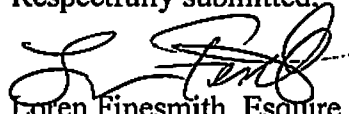
Loren Finesmith, of full age, being duly sworn hereby certifies:

1. I am an attorney-at-law of the State of New Jersey and attorney for the plaintiffs in the above-captioned action.
2. Plaintiff has applied for the entry of default and this Certification is submitted on plaintiffs' behalf.
3. A "Military Status Report" was obtained from the Department of Defense Manpower Data Center which indicates that the Defendant Eric K. Yahav, M.D., is not in the military service as that term is defined by the Service-members Civil Relief Act (formerly known as the Soldiers and Sailors Civil Relief Act of 1940), 50 A.S.C.A. §§ 501 et seq. A copy of the report is attached to this Certification as Exhibits "A."

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: March 8, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Loren Finesmith", written over the typed name.

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Status Report
Pursuant to Servicemembers Civil Relief Act

Last Name: YAHAV

First Name: ERIC

Middle Name: K.

Active Duty Status As Of: Mar-08-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Shavelly-Dixon

Mary M. Shavelly-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350