

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: <u>GENE HAZZARD</u> FIRM NAME: STREET ADDRESS: <u>282 ADAMS ST #6</u> CITY: <u>OAKLAND</u> STATE: <u>CA</u> ZIP CODE: <u>94610</u> TELEPHONE NO.: <u>(510) 418-0501</u> FAX NO.: E-MAIL ADDRESS: <u>GENEHAZZARD@SMAIL.COM</u> ATTORNEY FOR (name): <hr/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: <u>1221 BULLION ST.</u> MAILING ADDRESS: CITY AND ZIP CODE: <u>OAKLAND, CALIF 94612</u> BRANCH NAME: <u>RENE C. DAVIDSON</u> <hr/> Plaintiff/Petitioner: Defendant/Respondent:	FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY SEP 07 2023 CLERK OF THE SUPERIOR COURT By <u>ANDREL GOSPEL</u> Deputy
REQUEST FOR <input checked="" type="checkbox"/> Entry of Default <input checked="" type="checkbox"/> Clerk's Judgment (Application) <input type="checkbox"/> Court Judgment	CASE NUMBER: <u>23 C4039291</u>
Not for use in actions under the Fair Debt Buying Practices Act (Civ. Code, § 1788.50 et seq.); (see form CIV-105)	

1. TO THE CLERK: On the complaint or cross-complaint filed

a. on (date): 9-07-23b. by (name): Gene Hazzardc. ☐ Enter default of defendant (names):City of Oaklandd. ☐ I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names):

(Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)

e. ☐ Enter clerk's judgment(1) ☐ for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)☐ Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.(2) ☐ under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)(3) ☐ for default previously entered on (date):

2. Judgment to be entered.

	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$	\$	\$
b. Statement of damages*			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date):

(* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. ☐ (Check if filed in an unlawful detainer case.) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).Date: 09/07/23GENE HAZZARD

(TYPE OR PRINT NAME)

Gene Hazzard

(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

**FOR COURT
USE ONLY**(1) ☐ Default entered as requested on (date):(2) ☒ Default NOT entered as requested (state reason): sent to judge

Clerk, by _____, Deputy

Page 1 of 3

Plaintiff/Petitioner: GENE HAZZARD, ET AL
 Defendant/Respondent: CITY OF OAKLAND, ET AL

CASE NUMBER:

23 CV 039291

4. **Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.).** A legal document assistant or unlawful detainer assistant ☐ did ☐ did **not** for compensation give advice or assistance with this form. If declarant has received **any** help or advice for pay from a legal document assistant or unlawful detainer assistant, state:

- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone no.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration no.: |
| | f. Expires on (date): |

5. ☐ **Declaration under Code Civ. Proc., § 585.5 (for entry of default under Code Civ. Proc., § 585(a)).** This action

- a. ☐ is ☒ is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
 b. ☐ is ☒ is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
 c. ☐ is ☒ is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

6. **Declaration of mailing (Code Civ. Proc., § 587).** A copy of this *Request for Entry of Default* was

- a. ☐ **not mailed** to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (*names*):
 b. ☐ **mailed** first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 (1) Mailed on (date):
 (2) To (specify names and addresses shown on the envelopes):

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.

Date: 09/07/23

GENE HAZZARD
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

7. **Memorandum of costs (required if money judgment requested).** Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

- a. Clerk's filing fees \$
 b. Process server's fees \$
 c. Other (specify): \$
 d. \$
 e. **TOTAL** \$

- f. ☐ Costs and disbursements are waived.
 g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 7 is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Plaintiff/Petitioner: GENE HAZZARD, ET AL
 Defendant/Respondent: CITY OF OAKLAND ET AL

CASE NUMBER:

23 CV 039291**8. Declaration of nonmilitary status** (required for a judgment).

No defendant/respondent named in item 1c is in the military service of the United States as defined by either the Servicemembers Civil Relief Act (see 50 U.S.C. § 3911(2)) or California Military and Veterans Code sections 400 and 402(f).

I know that no defendant/respondent named in item 1c is in the U.S. military service because (check all that apply):

- a. ☐ the search results that I received from <https://scra.dmdc.osd.mil/> say the defendant/respondent is not in the U.S. military service.
- b. ☐ I am in regular communication with the defendant/respondent and know that they are not in the U.S. military service.
- c. ☐ I recently contacted the defendant/respondent, and they told me that they are not in the U.S. military service.
- d. ☐ I know that the defendant/respondent was discharged from U.S. military service on or about (date):
- e. ☐ the defendant/respondent is not eligible to serve in the U.S. military because they are:
☐ incarcerated ☐ a business entity
- f. ☒ other (specify): ALL OF IDENTIFIED DEFENDANTS ARE CITY EMPLOYEES

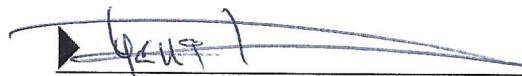
Note

- U.S. military status can be checked online at <https://scra.dmdc.osd.mil/>.
- If the defendant/respondent is in the military service, or their military status is unknown, the defendant/respondent is entitled to certain rights and protections under federal and state law before a default judgment can be entered.
- For more information, see <https://selfhelp.courts.ca.gov/military-defaults>.

I declare under penalty of perjury under the laws of the State of California that the foregoing item 8 is true and correct.

Date: 09/07/23GENE HAZZARD

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

ATTACHMENT A TO REQUEST FOR ENTRY OF DEFAULT

Hazzard v. City of Oakland, et al.
Case No. 23CV039291

Parties served via Certified Mail, Return Receipt Requested:

Barbara Parker, Esq.
Office of City Attorney
One Frank Ogawa Plaza
Oakland, CA 94612

(Attorney for City of Oakland, a municipal corporation; former Mayor Libby Schaaf; current Mayor Sheng Thao; Councilmember Dan Kalb; Councilmember Nikki Fortunato Bas; former Councilmember Loren Taylor; Councilmember Rebecca Kaplan; Councilmember Noel Gallo; Councilmember Carroll Fife; Councilmember Janani Ramachandran; Councilmember Treva Reid; Councilmember Kevin Jenkins; City Attorney Barbara Parker; and City Auditor Courtney Ruby)

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City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
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Jenny Wong, City Auditor
2180 Milvia # 3
Berkeley, CA 94704