IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ASHER BRONSTIN, individually and on behalf of all other similarly situated, Plaintiff, v. VIASAT, INC. and THE PREFERRED PREPAID, INC. d/b/a XYZies Defendants.	Civil Action No. 1:25-cv-00927-KMN (Hon. Keli M. Neary)

REQUEST FOR CLERK'S ENTRY OF DEFAULT
AGAINST DEFENDANT THE PREFERRED PREPAID, INC.

COMES NOW Plaintiff Asher Bronstin, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk's Entry of Default against Defendant The Preferred Prepaid, Inc. d/b/a XYZies, in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff's claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled "Time to Serve a Responsive Pleading," provides in pertinent part that "[a] defendant must serve an answer within 21 days after being served with the summons and complaint." FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled "Entering a

Default," provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party's default." FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Second Amended Complaint naming Defendant on June 11, 2026. (See ECF No. 70.) Defendant was served on June 29, 2026. (See ECF No. 80.) Through order of the Court, Defendant's time to file a responsive pleading was extended to August 12, 2026. (See ECF No. 77.) Defendant did not file a response as of September 10, 2026. Previously, Plaintiff's counsel had received email correspondence from Joe Samo of the Samo Law Group, who stated that they were retained. However, Mr. Samo has not entered his appearance. No alternative counsel has appeared for Defendant, and it is well established that, as a corporation, Defendant may not represent itself *pro se*. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

The Plaintiff intends to move for leave to conduct classwide discovery and seek a classwide default judgment as to Defendant.

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this September 10, 2026.

/s/ Andrew Roman Perrong
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Lead Attorney for Plaintiff and the Proposed Class

CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

JOE SAMO
SAMO LAW GROUP
2221 CAMINO DEL RIO S
SAN DIEGO, CA 92108

and

THE PREFERRED PREPAID, INC. D/B/A XYZIES
20271 SW ACACIA ST STE 234
NEWPORT BEACH, CA 92660

Dated: September 10, 2026

/s/ Andrew Roman Perrong
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