

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

JOHN CAFIERO,)
)
Plaintiff,)
) Civil Action No. 08-202
v.)
)
DOUG CUSTER a/k/a)
DOUG EVIL,)
)
Defendant.)

OPPOSITION TO REQUEST TO ENTER DEFAULT

To the Clerk of the United States District Court for the Western District of Pennsylvania:

Will you please enter this opposition to the request to enter default against Defendant Doug Custer filed on September 29, 2008 by Curtis B. Krasik, attorney for Plaintiff John Cafiero? The request states that I, Doug Custer, have "failed to plead or otherwise defend" myself. To the contrary, I hired a lawyer on September 2 to represent me out of court to reach an early settlement. I, Doug Custer, have attached at Exhibit 1 a declaration prepared by my attorney John McIlvaine of the Webb Law Firm in Pittsburgh. This declaration details the events that have transpired since I was served with papers on this claim.

Attached at Exhibit 2 you will find an e-mail from Cafiero's attorney, Curtis Krasik, to my attorney, John McIlvaine. Mr. Krasik writes in the e-mail dated October 1, regarding John McIlvaine, "I remain unclear about your involvement in the case." I would like to express to the court that as of October 1, 2008 it had been discussed in great detail for at least a month that McIlvaine was representing me outside of court to reach an early settlement to avoid litigation.

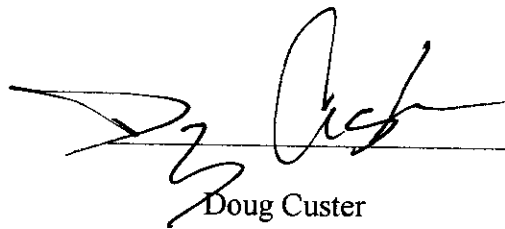
I would like the Court to dismiss the Request for Default against me, Doug Custer. As detailed, I have hired an attorney to represent me out of court and have approached this matter with utmost professionalism. I, indeed, provided a means of defending myself, however, it was the attempt by Mr. Krasik to ask for time to draft a proposed settlement, but, in turn, file for a Default against me. To date, neither myself

or my attorney, John McIlvaine, have received any proposed settlement.

Additionally, I, Doug Custer, will be entering a counterclaim, pro se, simultaneously as this motion for Opposition to the Default Request.

Dated: October 10, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug Custer", written over a horizontal line.

Doug Custer
293 Main Street, Apt. #6
Osterburg, Pa 16667
814-276-3679