

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	
	)	
EQUIPMENT ACQUISITION RESOURCES, INC.	)	Case No.: 09 B 39937
	)	
Debtor.	)	Hon. Susan Pierson Sonderby
_____	)	
	)	
WILLIAM A. BRANDT, JR., not individually but solely	)	
in his capacity as Plan Administrator for EQUIPMENT	)	
ACQUISITION RESOURCES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. No. 11 A 2216
	)	
SHELDON PLAYER,	)	
	)	
Defendant.	)	

**NOTICE OF MOTION**

To: See Service List

**PLEASE TAKE NOTICE** that on **April 11, 2012 at 10:30 a.m.** the undersigned shall present to the Honorable Susan Pierson Sonderby, or any judge sitting in her stead, in Courtroom 642 of the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, at the Dirksen Federal Courthouse, 219 S. Dearborn St., Chicago, IL 60604, **PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**, a copy of which is served upon you.

Respectfully submitted,  
WILLIAM A. BRANDT, JR., not individually but solely in his capacity as Plan Administrator for Equipment Acquisition Resources, Inc.

By: /s/ George P. Apostolides  
One of his attorneys

Barry A. Chatz  
George P. Apostolides (#06228768)  
Kevin H. Morse (#06297244)  
ARNSTEIN & LEHR LLP  
120 South Riverside Plaza, Suite 1200

Chicago, IL 60606  
Tel: (312) 876-7100  
Fax: (312) 876-0288

**CERTIFICATE OF SERVICE**

I, George P. Apostolides, certify that on March 28, 2012, I caused a copy of **PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT** to be served on the parties on the attached Service List by overnight mail, U.S. Mail, postage prepaid, as well as via electronic mail and/or CM/ECF on all parties receiving notice through the CM/ECF system.

/s/ George P. Apostolides

**SERVICE LIST**

Sheldon Player  
4260 Hoback River Road  
Jackson Hole, Wyoming 83001  
Fax: (307) 733-7177

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ACQUISITION RESOURCES, INC.,	)	
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Plaintiff,	)	
	)	
v.	)	Adv. No. 11 A 2216
	)	
SHELDON PLAYER,	)	
	)	
Defendant.	)	

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Plaintiff, William A. Brandt, Jr., not individually but solely in his capacity as Plan Administrator for Equipment Acquisition Resources, Inc. (“Plaintiff”) by his attorneys, Barry A. Chatz, George P. Apostolides and Kevin H. Morse of Arnstein & Lehr LLP, moves this Court pursuant to Federal Rule of Bankruptcy Procedure 7055 for entry of an order of default judgment against Defendant, Sheldon Player (“Defendant”) in this matter. In support of this motion, Plaintiff states as follows:

1. On October 21, 2011, Plaintiff filed its Complaint against Defendant (the “Complaint”). Plaintiff filed Count I pursuant to 11 U.S.C. §§ 548 and 550 and seeks the avoidance and recovery of \$14,205,662.00. Plaintiff filed Count II pursuant to 11 U.S.C. §§ 544 and 550 and seeks the avoidance and recovery of \$18,323,404.00. All of the damages sought in Count I were also sought in Count II.

2. On January 13, 2012, Plaintiff served the Complaint on Defendant via personal service pursuant to Federal Rule of Civil Procedure 4(e)(2)(A). A copy of the Summons Service Executed, filed with the Court on January 25, 2012, is attached hereto as **Exhibit A**.

3. Federal Rule of Bankruptcy Procedure 7012(a) required Defendant to serve an answer or responsive pleading within 30 days. That period expired on February 13, 2012.

4. Pursuant to Federal Rule of Bankruptcy Procedure 7055(a), the entry of default judgment is proper when 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.

5. Attached as **Exhibit B** is the affidavit of William A. Brandt, Jr., the Plaintiff and Plan Administrator of Equipment Acquisition Resources (the "**Brandt Affidavit**"). The Brandt Affidavit sets forth that EAR made the payments alleged in the Complaint, that EAR did not receive any value from the payments, and that Plaintiff sustained damages in the amount of \$18,323,404.00 and costs of \$375.00. The costs consist of the \$250.00 for filing the Complaint and \$125.00 for hiring a special process server in Jackson, Wyoming.

6. Attached as **Exhibit C** is the affidavit of Patrick J. O'Malley, one of Mr. Brandt's colleagues at Development Specialists, Inc. (the "**O'Malley Affidavit**"). The O'Malley Affidavit sets forth the basis for the assertion that EAR was insolvent as of the date of the transfers.

WHEREFORE, Plaintiff, William A. Brandt, Jr., not individually but solely in his capacity as Plan Administrator for Equipment Acquisition Resources, Inc., requests that this Court grant his Motion and enter an order of default judgment in the amount of \$18,323,404.00 plus costs of \$375.00 against Defendant, Sheldon Player, for his failure to appear and to file a responsive pleading to Plaintiff's Complaint, and for any additional relief this Court deems necessary.

WILLIAM A. BRANDT, JR., not individually but solely in his capacity as Plan Administrator for Equipment Acquisition Resources, Inc.

By: /s/ George P. Apostolides  
One of its attorneys

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