

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ROBERT DAVID STEELE)
-and-)
EARTH INTELLIGENCE NETWORK)
)
Plaintiffs,)
)
v.)
)
)
JASON GOODMAN)
PATRICIA A. NEGRON)
-and-)
"QUEEN TUT")
)
Defendants.)
_____)

Case 3:17-cv-601-MHL

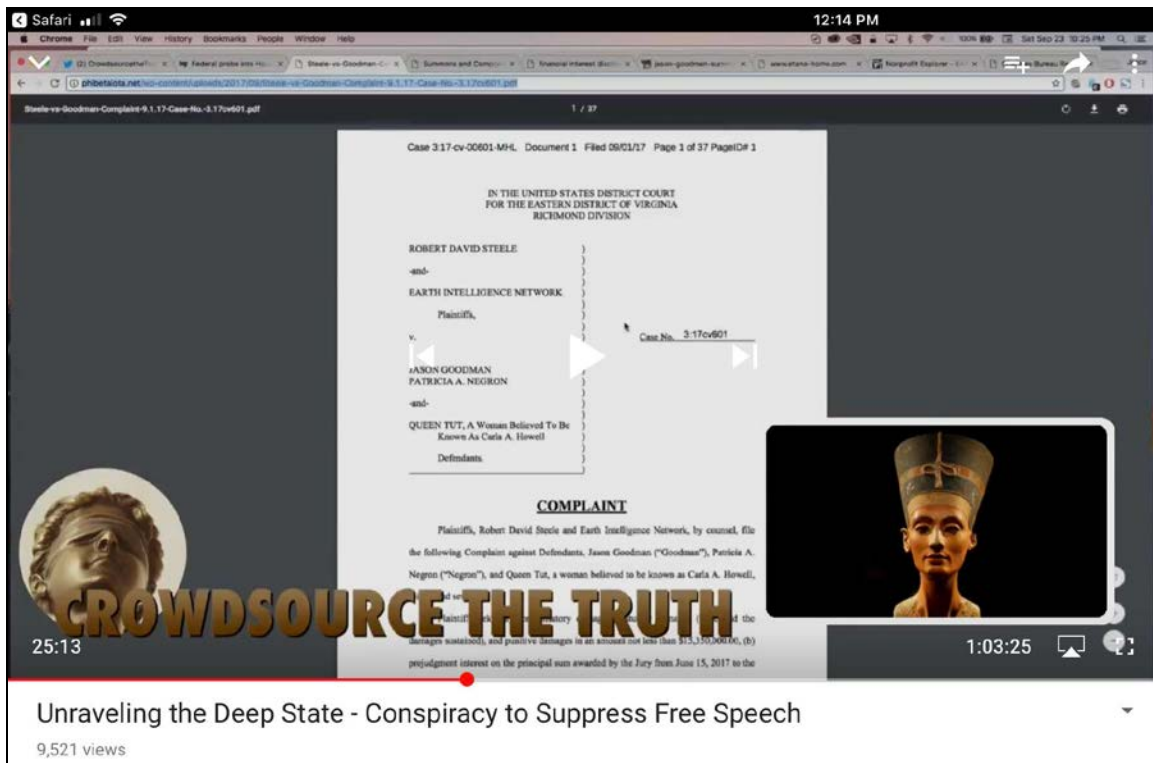
PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT,
"QUEEN TUT" a/k/a SUSAN A. LUTZKE

Plaintiffs, Robert David Steele and Earth Intelligence Network ("Plaintiffs"), by counsel, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (the "Rules"), request the Clerk of the District Court to enter default against defendant, "Queen Tut" a/k/a Susan A. Lutzke ("Lutzke").

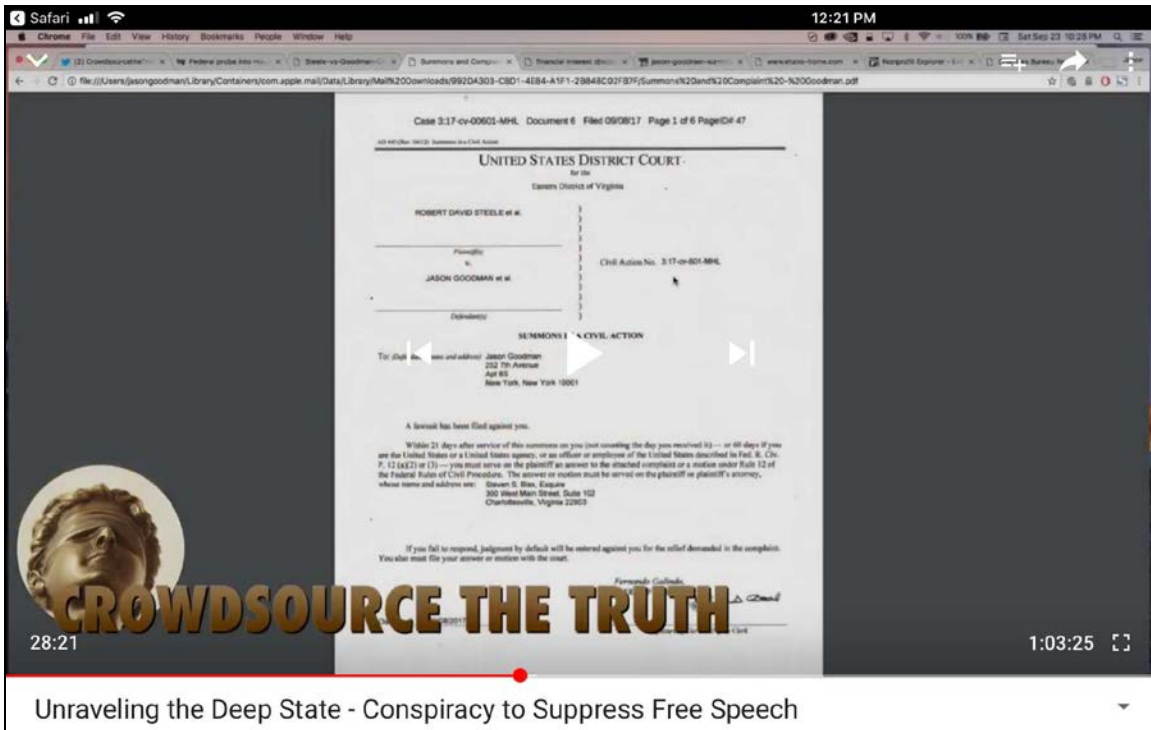
1. Plaintiffs commenced this action on September 1, 2017 by filing a Complaint. [*Document 1*].
2. Defendant, Lutzke, is an individual and natural person who is not a minor, an incompetent person, or a person whose waiver has been filed with the Court.

3. Pursuant to Rule 4(c) and 4(e)(1) and §§ 8.01-288 and 8.01-296(2)(b) of the Virginia Code (1950), as amended, Lutzke was duly served with the Summons and Complaint on October 25, 2017, as stated in the Affidavit of Service filed with the Court pursuant to Rule 4(1) [Document 19] and as further supported by the following facts:

a. After Plaintiff's Complaint was filed on September 1, 2017, defendants Lutzke and Goodman continued to publish false and defamatory statements about the Plaintiffs in videos published on YouTube. Significantly, in several of these videos Lutzke and Goodman actually display and discuss process – both Summons and Complaint. For instance, in a September 23, 2017 YouTube video [<https://www.youtube.com/watch?v=Zep-7jk0BLA>], entitled “Unraveling the Deep State - Conspiracy to Suppress Free Speech”, Goodman and Lutzke show the Plaintiffs' Complaint:



Goodman and Lutzke also discuss the Summons to Goodman:

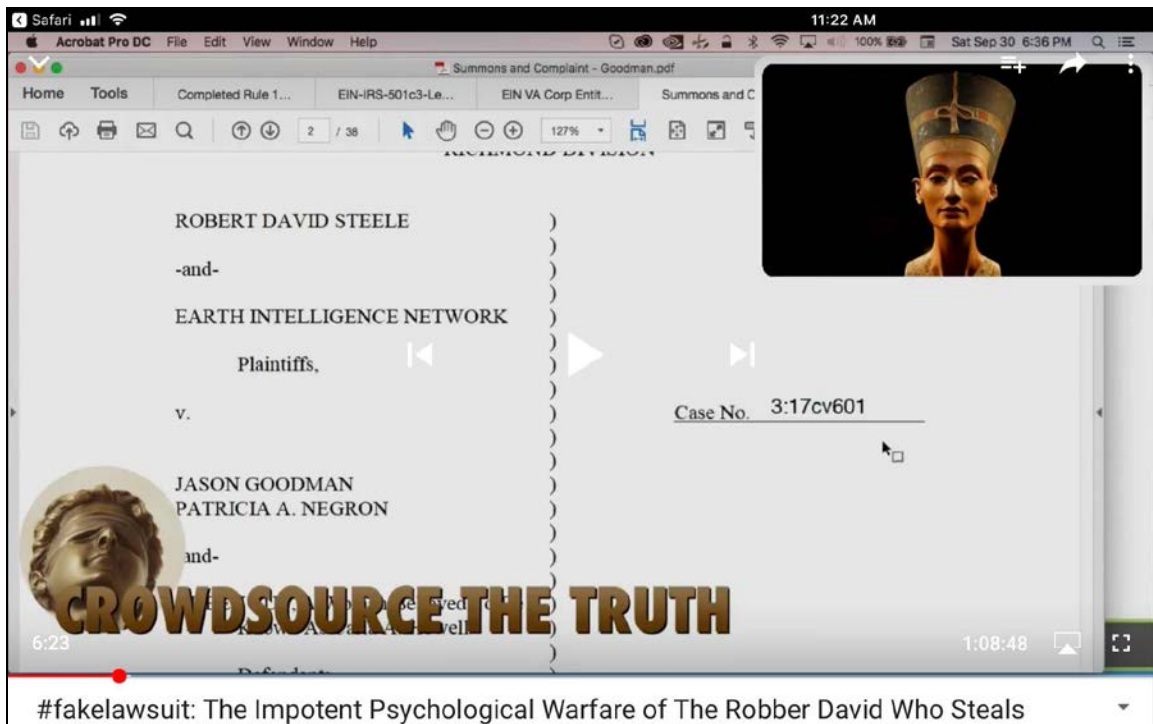


Lutze and Goodman even discuss service of process. A September 30, 2017 YouTube video [\[https://www.youtube.com/watch?v=kYOikz5mjbw&t=49s\]](https://www.youtube.com/watch?v=kYOikz5mjbw&t=49s), entitled “#fakelawsuit: The Impotent Psychological Warfare of The Robber David Who Steals”, opens with the following picture of Robert David Steele:

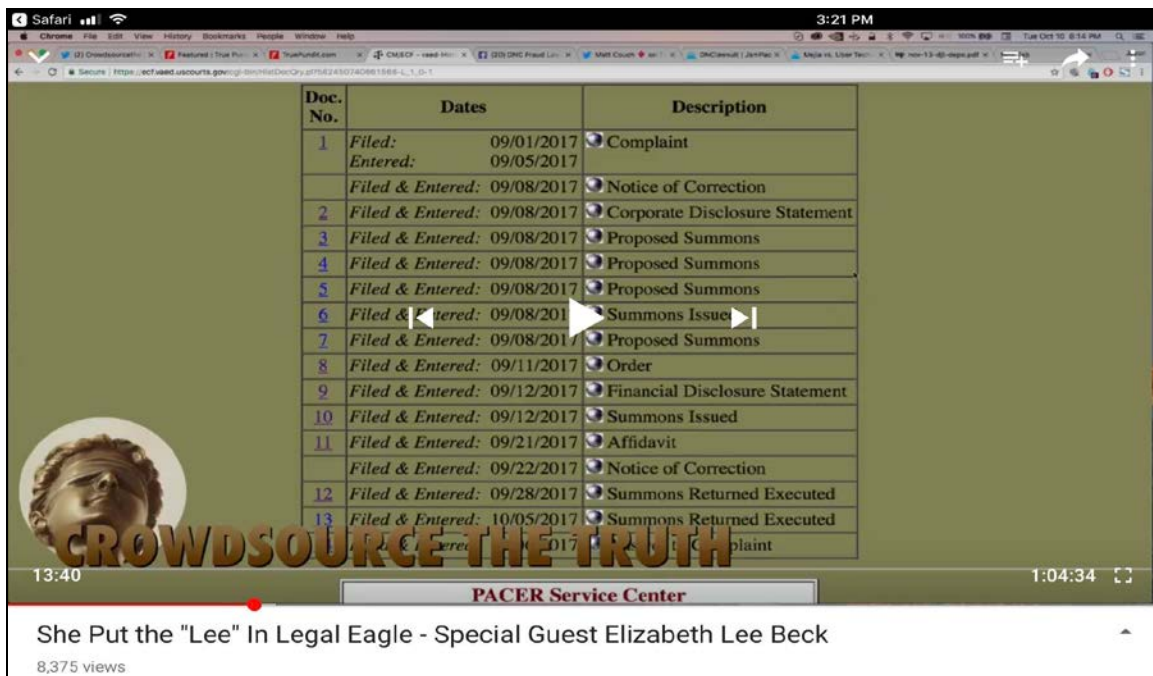


Goodman and Lutzke call Plaintiffs' Complaint "a fake lawsuit from a real idiot".

At 6:22 of the video, Lutzke and Goodman again show Plaintiffs' Complaint:



Lutzke and Goodman have access to and are fully familiar with PACER and the Docket entries in this case:



There is no question that Lutzke is in actual possession of Plaintiffs' Complaint and that she is on notice of this action and the claims made against her.

b. Process has also reached Lutzke. [*See* § 8.01-288 (“*process which has reached the person to whom it is directed within the time prescribed by law, if any, shall be sufficient although not served or accepted as provided in this chapter.*”)]. Lutzke's email address is phz@tutanota.com. On September 25, 2017, counsel for Plaintiff emailed Lutzke true copies of the Summons and Complaint and Waiver of Service of the Summons form. Lutzke received the email. A true copy of the email is attached to this Motion as Exhibit “A”.

c. On November 1, 2017, counsel for Plaintiff emailed Lutzke true copies of the Summons and Complaint and the Affidavit of Service. Lutzke received the email. A true copy of the email is attached as Exhibit “B”.

d. On November 2, 2017, Plaintiffs complied with § 8.01-296(2)(b) of the Virginia Code by mailing to Lutzke and filing with the Court the required statutory notice. [*Documents 17 and 17-1*]. The mailing was duly addressed to Lutzke at her usual place of abode, 1221 University Ave, # D202, Fort Collins, CO 80521, and was not returned.

4. Pursuant to Rule 12(a), Lutzke was required to answer or otherwise respond to Plaintiffs' Complaint by no later than November 15, 2017.

5. To date, Lutzke has not answered or otherwise responded to Plaintiffs' Complaint. She is in default pursuant to Fed. R. Civ. P. 55(a):

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that fact is made to appear by affidavit or otherwise, the clerk must enter the party's default.”

6. Lutzke is not a minor or in the military within the meaning of the Servicemembers Civil Relief Act. *50 Appx. U.S.C. § 521.*

WHEREFORE, Plaintiffs, Robert David Steele and Earth Intelligence Network, request the Clerk of the District Court to enter “Queen Tut” a/k/a Susan A. Lutzke’s default.

DATED: January 23, 2018

ROBERT DAVID STEELE
EARTH INTELLIGENCE NETWORK

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2018 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel of record and all interested parties receiving notices via CM/ECF. I also certify that a copy of this pleading was emailed in PDF to Defendants, Goodman and "Queen Tut" a/k/a Susan Lutzke

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