

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

MICHAEL NORTON and STEVEN  
DELACUESTA,

Plaintiff,

v.

ASSURED PERFORMANCE NETWORK,  
dba ASSURED PERFORMANCE  
NETWORK, INC.,

Defendants.

Case No. 4:14-CV-486-BLW

**MEMORANDUM DECISION  
AND ORDER**

**MEMORANDUM DECISION**

On November 12, 2014, plaintiffs filed a complaint against a single defendant, Assured Performance Network, dba Assured Performance Network, Inc. (APN). *See Complaint (Dkt. No. 1)*. On December 19, 2014, Scott Biggs, the CEO of APN, filed a “Pro Se Notice of Appearance” stating that he “enters an appearance in this action and demands notice of all further proceedings.” *See Pro Se Notice (Dkt. No. 4)*. On that same date, Biggs also filed on behalf of APN an Answer to the complaint, *see Answer (Dkt. No. 5)*.

Scott Biggs is attempting to represent APN. But he has not alleged that he is an attorney of the bar of this Court or has been admitted to practice under the Court’s Local

Rules. Pursuant to Local Rule 83.4(d) he cannot represent APN in this Court.

Accordingly, the Court will strike the Answer and the Pro Se Notice of Appearance.

### **ORDER**

In accordance with the Memorandum Decision set forth above,

NOW THEREFORE IT IS HEREBY ORDERED, that the Pro Se Notice of Appearance (docket no. 4) and the Answer (docket no. 5) are STRICKEN FROM THE RECORD AND WITHOUT EFFECT.

IT IS FURTHER ORDERED, that defendant Assured Performance Network is hereby NOTIFIED that its failure to obtain counsel and timely file an Answer or other response will subject it to a Default Judgment that will result in an award to the Plaintiffs.



DATED: December 22, 2014

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill  
Chief Judge  
United States District Court