

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:15 cv 2530

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Adams Construction Services, LLC.,

Defendant

This matter is before me on Plaintiff's unopposed motion to strike the answer of the Defendant.

The Court may order stricken from any pleading any "redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). The purpose of a motion to strike "is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial." *Kennedy v. City of Cleveland*, 797 F.2d 297, 305 (6th Cir. 1986) (quotation omitted), *cert. denied sub nom Hanton v. Kennedy*, 479 U.S. 1103 (1987). The motion only applies to pleadings and should be granted only where the movant demonstrates that it can have no possible bearing on the subject matter of the litigation. 2 JAMES W. MOORE, MOORE'S FEDERAL PRACTICE ¶ 12.37[2] (3d ed. 2015).

Under 28 U.S.C. § 1654:

In all courts of the United States, the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Whether a limited liability company is viewed as a corporation, a partnership or a hybrid, it may only appear in court through an attorney. *In re ICLNDS Notes Acquisition, LLC*, 259 B.R. 289, 294 (Bankr. N.D. Ohio 2001). *See also* 10 MOORE'S FEDERAL PRACTICE § 55.11[2][b][v] (3d ed. 2015).

In this case, it is undisputed that the answer filed on behalf of the LLC was signed by "SCOTT ADAMS, Pro Se, on behalf of Adams Construction Services, LLC." (Doc. No. 4). Based on the above-referenced authority, the Defendant entity is required to appear in court through an attorney. Therefore, the motion to strike is granted and the Clerk is instructed to strike the answer (Doc. No. 4). The Defendant is granted until May 1, 2016 to secure counsel and file an answer.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge