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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Best Western International, Inc., an)
Arizona non-profit corporation,)

CIV. 11-1878-PHX-PGR

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Plaintiff,)

ORDER

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v.)

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Palace Investments, Inc., a Michigan)
corporation; Michelle Bulinda,)
a Michigan resident,)

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Defendants.)

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Before the Court is Plaintiff’s Motion to Strike Defendant’s Answer. (Doc. 25.)

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Plaintiff filed its First Amended Complaint on November 18, 2011. (Doc. 15.) Defendants

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filed their Answer on November 29, 2011. (Doc. 16.) On January 6, 2012, Defendants’

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counsel filed an application to withdraw, which the court granted. (Docs. 20, 21.) The

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Court ordered Defendants to obtain new counsel and file a notice of appearance by

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February 13, 2012. (Doc. 21.) To date, no counsel has appeared on behalf of Defendant

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Palace Investments, Inc., which, as a corporation, may appear in federal court only

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through a licensed attorney. *Rowland v. California Men’s Colony*, 506 U.S. 194, 201–02

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(1993). Defendants also failed to appear at the scheduling conference on February 27,

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2012.

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1 Based on these circumstances, as well as Defendants' failure to respond to
2 discovery requests, provide a disclosure statement, or participate in the case management
3 conference, Plaintiff asks the Court to strike Defendants' answer and enter default.

4 The Court will grant Plaintiff's motion with respect to Palace Investments, Inc.
5 Default is a permissible sanction where a corporation fails to retain counsel. *United States*
6 *v. High Country Broadcasting, Inc.*, 2 F.3d 1244, 1245 (9th Cir. 1993); *see Employee*
7 *Painters' Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007).

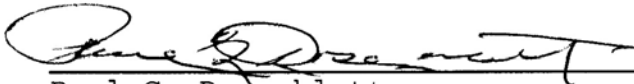
8 The Court will also grant the motion with respect to Defendant Michelle Bulinda
9 under Rules 16(f) and 37(b)(2) of the Federal Rules of Civil Procedure. The Court has
10 considered the factors set forth in *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th
11 Cir. 2000), and concluded, in view of Defendant Bulima's failure to comply with the
12 Court's orders or otherwise participate in the litigation, that the public interest in the
13 expeditious resolution of this case and the court's interest in managing its docket
14 outweigh the policy favoring disposition of cases on the merits and that less drastic
15 alternatives are not available.

16 Accordingly,

17 IT IS ORDERED granting Plaintiff's Motion to Strike (Doc. 25). The Clerk of the
18 Court shall strike Defendants' Answer (Doc. 16).

19 IT IS FURTHER ORDERED that the Clerk of the Court shall enter default against
20 Defendants Palace Investments, Inc., and Michelle Bulinda.

21 DATED this 12th day of March, 2012.

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25 Paul G. Rosenblatt
26 United States District Judge
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