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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CENTRAL VALLEY RANCH, LLC, et al.,)	1:10cv020 LJO DLB
)	
)	
Plaintiffs,)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS REGARDING
v.)	PLAINTIFFS’ MOTION TO STRIKE ANSWER
)	(Document 23)
WORLD WIDE INVESTMENTS, LLC II,)	
et al.,)	
)	
Defendants.)	

Plaintiffs Central Valley Ranch, LLC, Gordon W. Shaw Properties, Inc. and William Barkett (“Plaintiffs”) filed this action on January 5, 2010. On March 22, 2010, Plaintiffs filed the instant motion to strike the answer of Defendant Serenity Financial Group, LLC (“Serenity”). Plaintiffs moved to strike the answer based on the failure of Serenity, a business entity, to be represented by an attorney.

On May 21, 2010, the Magistrate Judge issued [Findings and Recommendations](#) that Plaintiffs’ motion to strike Serenity’s answer be GRANTED. The Findings and Recommendations were served on the parties and contained notice that any objections were to be filed within fourteen (14) days of service.

On June 8, 2010, Defendants Bryan Pilosi and Raviv Wolfe, proceeding pro se, filed a document entitled “Declaration.” The Court construes this document as an untimely [objection](#) to the Magistrate Judge’s Findings and Recommendations. On June 8, 2010, Plaintiffs filed a [reply](#).

1 In the objection, Defendants Piloni and Wolfe claim that neither they nor Serenity were
2 served with the motion to strike or the show cause order issued by the Court on April 20, 2010.
3 Defendants object based on a lack of proper notice. This objection lacks merit. The Court
4 docket reflects that Defendants were served with these documents, as well as the Findings and
5 Recommendations.

6 Defendants Piloni and Wolfe also claim that the Court permitted them until July 14, 2010,
7 to obtain an attorney for Serenity. The record in this action belies Defendants' claim. On April
8 13, 2010, the Court held a Scheduling Conference. The docket reflects that it was continued to
9 allow "defendants to retain counsel." Doc. 21. Subsequently, on April 20, 2010, the Court
10 issued a show cause order directing Defendants to demonstrate why Serenity's answer should not
11 be stricken or for Serenity's counsel to file a notice of appearance within 20 days. More than 20
12 days passed. Defendants did not respond and no notice of appearance was filed. Accordingly,
13 the Court issued Findings and Recommendations that Serenity's answer be stricken.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
15 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
16 Findings and Recommendations are supported by the record and proper analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The Findings and Recommendations issued May 21, 2010, are ADOPTED IN
19 FULL;
- 20 2. Plaintiffs' motion to strike Serenity Financial Group's answer is GRANTED; and
- 21 3. The answer of Serenity Financial Group, LLC, is STRICKEN from the record.

22 IT IS SO ORDERED.

23 **Dated: June 10, 2010**

24 **/s/ Lawrence J. O'Neill**
25 **UNITED STATES DISTRICT JUDGE**