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9 **UNITED STATES DISTRICT COURT**

10 EASTERN DISTRICT OF CALIFORNIA

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12 OCTAVIANO JUAREZ, et al.,

13 Plaintiffs,

14 v.

15 RAFAEL VILLAFAN, et al.,

16 Defendants.

Case No. 1:16-cv-00688-DAD-SAB

ORDER STRIKING DEFENDANT DEMI
AG. INC.'S ANSWER FROM THE RECORD
(ECF No. 4)

ORDER DISCHARGING JULY 13, 2016
ORDER TO SHOW CAUSE (ECF No. 12)

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18 On May 13, 2016, Plaintiffs filed a complaint in this action. (ECF No. 1.) On June 3,
19 2016, Defendant Demi Ag. Inc. filed an answer to the complaint. (ECF No. 4.) The answer was
20 signed and filed by Margarita Ortega, who states that Defendant Demi Ag. Inc. belongs to her,
21 but there is no indication that she is an attorney representing Defendant Demi Ag. Inc.

22 On June 7, 2016, the Court ordered Defendant Demi Ag. Inc. to retain counsel and have
23 said counsel appear in the case within thirty days. (ECF No. 5.) Defendant Demi Ag. Inc., a
24 California corporation, was advised that it may not appear in propria persona. Defendant Demi
25 did not ask for an extension of time in which to comply with the Court's June 7, 2016 order or
26 file any response to the Court's June 7, 2016 order. Therefore, on July 13, 2016, the Court
27 issued an order requiring Defendant Demi Ag. Inc. to show cause why its answer should not be
28 stricken for its failure to comply with the Court's June 7, 2016 order. (ECF No. 12.)

1 I.

2 DISCUSSION

3 Local Rule 183 provides that “[a] corporation or other entity may appear only by an
4 attorney.” See also U.S. v. High Country Broadcasting Co., Inc., 3 F.3d 1244, 1245 (9th Cir.
5 1993) (citing Rowland v. California Men’s Colony, Unit II Men’s Advisory Council, 506 U.S.
6 194, 201–02 (1993) (recognizing that a corporation is not permitted to appear in federal courts
7 unless it is represented by counsel)). The Local Rules, corresponding with Fed. R. Civ. P. 11,
8 provide: “Failure of counsel or of a party to comply with . . . any order of the Court may be
9 grounds for the imposition by the Court of any and all sanctions authorized . . . within the
10 inherent power of the Court.” Local Rule 110.

11 In the Court’s June 7, 2016 order, Defendant Demi Ag. Inc. was warned that failure to
12 have authorized counsel appear shall lead to sanctions at the discretion of the Court, including
13 but not limited to the striking of the answer of Defendant Demi Ag. Inc. and the entry of default
14 against Defendant Demi Ag. Inc. (ECF No. 5.) The Court warned Defendant Demi Ag. Inc. that
15 its failure to timely comply with the July 13, 2016 order to show cause would result in the Court
16 striking the June 3, 2016 answer of Defendant Demi Ag. Inc. (ECF No. 12.) Defendant Demi
17 Ag. Inc. was also warned that its failure to timely comply with the July 13, 2016 order to show
18 cause could result in default being entered against it. (ECF No. 12.)

19 However, to date, no counsel has filed a notice of appearance on behalf of Defendant
20 Demi Ag. Inc. Further, Defendant Demi Ag. Inc. has not filed a response to the Court’s July 13,
21 2016 order to show cause or requested an extension of time to respond. In fact, the only
22 submission on the record by Demi Ag. Inc. is the June 3, 2016 answer. As Defendant Demi Ag.
23 Inc. has failed to comply with the Court’s June 7, 2016 order and has failed to respond to the
24 Court’s July 13, 2016 order to show cause, Defendant Demi Ag. Inc.’s answer (ECF No. 4.) is
25 stricken from the record.

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II.
ORDER

Accordingly, IT IS HEREBY ORDERED that Defendant Demi Ag. Inc.'s answer (ECF No. 4.) is STRICKEN from the record and the Court's July 13, 2016 order to show cause is DISCHARGED.

IT IS SO ORDERED.

Dated: August 23, 2016


UNITED STATES MAGISTRATE JUDGE