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8 **UNITED STATES DISTRICT COURT**  
9 EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY CARTER,  
11 Plaintiff,  
12 v.  
13 WILLARD L. JACKSON, et al.,  
14 Defendants.  
15

Case No. 1:23-cv-01775-KES-SAB  
ORDER STRIKING DEFENDANT  
PETRESCU'S NOTICE OF  
CLARIFICATION AND ORDERING  
DEFENDANT TO FILE A NOTICE THAT  
COMPLIES WITH THE COURT'S ORDER  
(ECF No. 41, 44)  
**TEN-DAY DEADLINE**

16  
17 On May 23, 2024, the Court ordered Defendant Vicent Petrescu to file a notice of  
18 clarification. (ECF No. 41 at 10-11.) The Court specifically ordered that the filing be entitled  
19 "Notice of Clarification" and must inform the Court (1) whether Mr. Petrescu has procured  
20 counsel in this action; (2) whether the document filed on February 12, 2024 was intended to be  
21 filed with attachments as required by Section II (ECF No. 7 at 2); and (3) if the February 12,  
22 2024 filing was intended to be a motion for an extension of time to file an amended answer. (Id.)

23 On May 31, 2024, Defendant Petrescu filed a document entitled "Notice of  
24 Clarification." (ECF No. 44.) The first page of the document states:

25 Defendant Petrescu, pro se, files the following Notice of  
26 Clarification as Ordered (ECF No. 41). Petrescu is also CEO of  
27 [Defendant] TruCrowd and under Answers and Defenses will  
28 mention both Petrescu and TruCrowd. It is not Petrescu's intent to  
represent TruCrowd, however, at this point neither Petrescu nor  
TruCrowd are represented by legal counsel.

1 (Id. at 1.) Defendant Petrescu then appears to attach an amended answer with eighty-six pages of  
2 exhibits. (See id at 2-95.)

3 In the same motion ordering Defendant Petrescu to file a particular document containing  
4 a specific title and specific contents, the Court admonished the parties that:

5 The Court expects that counsel and pro se parties will be familiar  
6 with the Federal Rules of Civil Procedure, this Court’s Local  
7 Rules, and previous orders by the Court, and will cite to them in  
8 filings. *Failure to follow these guidelines, as well as the Federal  
Rules of Civil Procedure and this Court’s Local Rules will result in  
the striking of future filings* and other applicable sanctions.

9 (ECF No. 41 at 9 (emphasis added).) Defendant Petrescu’s May 31, 2024 filing fails to comply  
10 with the Court’s May 23, 2024 order. Instead of complying with the Court order, Defendant  
11 appears to attempt to file an amended answer in contravention with Federal Rules of Civil  
12 Procedure and Local Rules. The Court shall therefore strike the May 31, 2024 filing and order  
13 Defendant Petrescu to file a renewed notice of clarification that complies with the Court’s May  
14 23, 2024 order and additional requirements detailed herein. In the interests of judicial economy  
15 and as a limited courtesy to the *pro se* Defendant, the Court shall also briefly address two rules.

16 1. Local Rule 183(a)

17 “A corporation or other entity may appear only by an attorney.” L.R. 183(a); see also D–  
18 Beam Ltd. P’ship v. Roller Derby Skates, Inc., 366 F.3d 972, 973–74 (9th Cir. 2004) (“It is a  
19 long-standing rule that corporations and other unincorporated associations must appear in court  
20 through an attorney”) (quotations and citation omitted); Caveman Foods, LLC v. jAnn Payne’s  
21 Caveman Foods, LLC, No. CV 2:12-1112 WBS DAD, 2015 WL 6736801, at \*2 (E.D. Cal. Nov.  
22 4, 2015) (“While individuals may appear *in propria persona*, corporations and other entities may  
23 appear only through an attorney; an unrepresented entity cannot file any pleadings, make or  
24 oppose any motions, or present any evidence to contest liability.”).

25 There is no indication in the record that Defendant Petrescu is a licensed attorney. A  
26 non-lawyer may only appear in this Court *in propria persona* on his own behalf and corporations  
27 may appear only by attorney. L.R. 183(a). The Court’s May 23, 2024 order requested specific  
28 information pertaining to Defendant Petrescu, given the fact he filed the February 12, 2024

1 document solely in his capacity as an individual defendant in this action. Future filings by a non-  
2 lawyer acting on behalf of another, including a corporation, will be disregarded.

3 2. Federal Rule of Civil Procedure 15

4 The Court notes Defendant Petrescu’s notice (ECF No. 44) appears to be an attempt to  
5 amend his answer filed on February 12, 2024 (ECF No. 7). Rule 15(a)(1) of the Federal Rules of  
6 Civil Procedure provides that a party may amend its pleading once as a matter of course no later  
7 than 21 days after service. “In all other cases, a party may amend its pleading *only with the*  
8 *opposing party's written consent or the court's leave*. The court should freely give leave when  
9 justice so requires.” Fed. R. Civ. P. 15(a)(2) (emphasis added). The Ninth Circuit has directed  
10 district courts to consider the presence of bad faith, undue delay, prejudice to the opposing party,  
11 and futility, “with all inferences in favor of granting the motion [to amend].” Griggs v. Pace  
12 Am. Group, Inc., 170 F.3d 877, 880 (9th Cir. 1999); Howey v. United States, 481 F.2d 1187,  
13 1190 (9th Cir. 1973).

14 If Defendant intends to amend his answer, he must file a *separate* stipulation or motion  
15 for leave to amend his answer that complies with Rule 15 of the Federal Rules of Civil  
16 Procedure, the Local Rules (see, e.g., L.R. 143, 230), and, if opposed, this Court’s meet and  
17 confer requirements detailed in the Standing Order (ECF No. 14 at 2-3). Defendant is informed  
18 that the Court cannot refer to a prior pleading in order to make an amended answer complete.  
19 Local Rule 220 requires that an amended answer be complete in itself without reference to any  
20 prior pleading. Further, Local Rule 137(c) requires that the proposed amended pleading be filed  
21 as an exhibit to the motion requesting leave to amend.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Defendant Petrescu's Notice of Clarification filed on May 31, 2024 (ECF No. 44)  
3 is STRICKEN; and

4 2. Within **ten (10) days** of entry of this order, Defendant Vicent Petrescu is ordered  
5 to file a document entitled "Notice of Clarification" that informs the Court:

6 (a) Whether he has procured counsel in this action;

7 (b) Whether the document filed on February 12, 2024 was intended to  
8 be filed with attachments as required by Section II (ECF No. 7 at  
9 2);

10 (c) If the February 12, 2024 filing was intended to be a motion for an  
11 extension of time to file an amended answer; and

12 (d) A statement regarding whether Defendant Petrescu intends to file a  
13 stipulation or motion to amend his answer. Alternatively,  
14 Defendant may concurrently file a separate stipulation or motion  
15 for leave to amend his answer.

16 IT IS SO ORDERED.

17 Dated: June 4, 2024

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20 UNITED STATES MAGISTRATE JUDGE