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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VISTAR CORPORATION, a Colorado corporation,)	
)	2:09-cv-02220-GEB-GGH
)	
Plaintiff,)	
)	<u>ORDER TO SHOW CAUSE</u>
v.)	
)	
SIERRA VALLEY RESTAURANTS, INC.,)	
a corporation doing business as)	
Jack in the Box; CENTRAL VALLEY)	
FOODSERVICE, INC., a corporation)	
doing business as Jack in the)	
Box; FOOD SERVICE MANAGEMENT,)	
INC., a corporation doing)	
business as Jack in the Box;)	
KOBRA ASSOCIATES, INC., a)	
corporation doing business as)	
Jack in the Box; and ABE)	
ALIZADEH, an individual,)	
)	
Defendants.)	
_____)	

Defendants SIERRA VALLEY RESTAURANTS, INC.; CENTRAL VALLEY FOOD SERVICE, INC.; FOOD SERVICE MANAGEMENT, INC.; and KOBRA ASSOCIATES, INC. ("Corporate Defendants") have not retained counsel since their attorney withdrew by substitution on September 13, 2010. Therefore, they are Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on November 29, 2010, why any answer filed should not be stricken since a corporate entity is not allowed to appear in federal court without counsel. See Rowland v. Calif. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-202 ("It has been the law for the

1 better part of two centuries . . . that a corporation may appear in the
2 federal courts only through licensed counsel.”) (citations omitted); see
3 also In re America West Airlines, 40 F.3d 1058, 1059 (9th Cir. 1994).
4 Sanctions could include striking the Corporate Defendants’ Answer. See
5 Dillard v. Victoria M. Morton Enterprises, Inc., No. 2:08-cv-01339 FCD
6 KJN PS, 2010 WL 3386459, at *3 (E.D. Cal. 2010) (striking corporate
7 defendants’ answer to plaintiff’s first-amended complaint); Rojas v.
8 Hawqs Seafood Bar, Inc., No. C08-03819, 2009 WL 1255538, at *1 (N.D.
9 Cal. 2009) (“When a corporation fails to retain counsel to represent it
10 in an action, its answer may be stricken and a default judgment entered
11 against it.”).

12 The written response shall state whether a hearing is
13 requested on the OSC. If a hearing is requested, it will be held at 9:00
14 a.m. on December 13, 2010.

15 IT IS SO ORDERED.

16 Dated: November 10, 2010

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19 _____
GARLAND E. BURRELL, JR.
United States District Judge