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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURIE WOODWARD,  
Plaintiff,  
v.  
BC OIL LOGISTICS, LLC,  
Defendant.

No. 2:14-cv-2902-WBS-KJN

ORDER

In this diversity action alleging breach of contract, the Clerk of Court entered defendant BC Oil Logistics, LLC’s default on January 12, 2015. (ECF No. 10.) That same day, defendant, proceeding without counsel, filed an answer. (ECF No. 11.) Subsequently, on January 16, 2015, plaintiff filed a motion for default judgment. (ECF No. 12.)

Although defendant filed an answer to the complaint, it is well established that defendant, as a limited liability company, cannot appear in federal court without an attorney. Rowland v. California Men’s Colony, 506 U.S. 194, 202 (1993) (holding that corporations, partnerships, or associations may not appear in federal court otherwise than through a licensed attorney). As such, the filing of defendant’s *pro se* answer here does not preclude the entry of default judgment.

Nevertheless, having advised defendant of the deficiency of its answer, the court finds it appropriate to provide defendant with at least a brief opportunity to obtain counsel, if it chooses

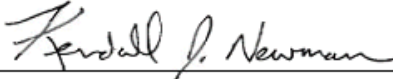
1 to do so, and sets a briefing schedule accordingly. If defendant obtains counsel, defendant may  
2 then file an opposition to the motion for default judgment simultaneously with a request to set  
3 aside the clerk's entry of default.<sup>1</sup> However, defendant is cautioned that the court, consistent with  
4 applicable law, will not consider an opposition or other filings submitted by defendant without  
5 counsel.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Any opposition to plaintiff's pending motion for default judgment, as well as any  
8 request to set aside the clerk's entry of default, shall be filed no later than February 26,  
9 2015.
- 10 2. Any reply by plaintiff shall be due no later than March 12, 2015.

11 IT IS SO ORDERED.

12 Dated: January 26, 2015

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15 KENDALL J. NEWMAN  
16 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>1</sup> In that case, the parties are also encouraged to meet and confer regarding potential informal resolution of the matter by a stipulation and proposed order.