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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYNTHIA HOPSON,
Plaintiff,
v.
620 WEST CHARTER WAY LIMITED
LIABILITY COMPANY,
Defendant.

No. 2:15-cv-1422-JAM-KJN PS

ORDER

Plaintiff, represented by counsel, commenced this disability access case on July 3, 2015. (ECF No. 1.) Thereafter, on September 3, 2015, defendant, a limited liability company, appeared through Sukhi Singh, a non-attorney who is affiliated with defendant in some capacity, and filed an answer to the complaint. (ECF No. 5.) On November 4, 2015, the action was referred to the undersigned pursuant to Local Rule 302(c)(21). (ECF No. 6.)

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). Therefore, defendant’s answer, filed by a non-attorney, must be stricken.

However, in the interests of justice, the court finds it appropriate to grant defendant a reasonable period of time to obtain counsel.


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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant's answer (ECF No. 5) is STRICKEN.
2. This action is stayed until January 15, 2016 to allow defendant an opportunity to retain counsel and file a response to the complaint.
3. If defendant fails to appear through counsel and respond to the complaint by January 15, 2016, plaintiff shall request the Clerk of Court to enter defendant's default and subsequently move for a default judgment.
4. If the parties informally settle this case at any time, they shall promptly notify the court.

IT IS SO ORDERED.

Dated: November 6, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE