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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Atlas Lifting & Rigging, LLC,
12 Plaintiff,

13 v.

14 Trevor Berner et al.,
15 Defendants.
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No. 2:23-cv-00808-KJM-AC
ORDER

17 In this diversity action, plaintiff Atlas Lifting & Rigging, LLC (“Atlas”) brings several
18 state law claims against defendants Trevor Berner and Synergy Marketing & Sales, Inc.
19 (“Synergy”). *See* Compl., ECF No. 1. Berner has appeared in this action and is proceeding pro
20 se. *See* Answer, ECF No. 6. Synergy has not appeared.

21 A corporation or other entity may not appear without an attorney. *D-Beam Ltd. P’ship v.*
22 *Roller Derby Skates, Inc.*, 366 F.3d 972, 973–74 (9th Cir. 2004); *see* E.D. Cal. L.R. 183(a).
23 However, a sole proprietorship may be represented in pro per by its owner. *Sharemaster v. U.S.*
24 *Sec. & Exch. Comm’n*, 847 F.3d 1059, 1066 & n.4 (9th Cir. 2017).

25 In this action, Synergy is identified as a corporation, “Synergy Marketing & Sales, Inc.,”
26 Compl. ¶ 3. Though Atlas alleges Synergy has been suspended since 2017, *id.* ¶ 3, Atlas also
27 alleges Berner is doing business as “Synergy Marketing & Sales, LLC,” *id.* ¶ 21, and also alleges,

1 inconsistently, that Synergy is a sole proprietorship with “Berner [] believed to be a sole
2 proprietor doing business as Synergy,” *id.* ¶ 10.

3 **Within 21 days**, the parties shall **meet and confer** and **file a joint statement** clarifying
4 their respective positions or joint position regarding whether Synergy is a corporation or a sole
5 proprietorship. If Synergy is a sole proprietorship, the joint statement shall clarify whether
6 Berner will be representing Synergy in pro per in his capacity as the sole proprietor. If Synergy is
7 a corporation, the joint statement shall propose a date by which Synergy must obtain counsel.
8 Failure to obtain counsel as a corporate entity may subject Synergy to the entry of default and
9 default judgment against it. *See Caveman Foods, LLC v. JAnn Payne’s Caveman Foods, LLC*,
10 No. 12-1112, 2015 WL 6736801, at *2 (E.D. Cal. Nov. 4, 2015).

11 IT IS SO ORDERED.

12 DATED: August 30, 2023.



CHIEF UNITED STATES DISTRICT JUDGE