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United States District Court
For the Northern District of California

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

IO GROUP, INC.,
Plaintiff,
v.
ANTELOPE MEDIA, LLC, et al.,
Defendants

No. C-08-4050 MMC

**ORDER STRIKING DEFENDANT
SUNRISE’S JANUARY 21, 2010 FILING;
AFFORDING PLAINTIFF LEAVE TO
SUPPLEMENT REQUEST FOR ENTRY
OF DEFAULT**

On January 20, 2010, plaintiff filed a Request To Enter Default As To Defendants Sunrise Media, Ltd., Maik Herrmann, Thorsten Palicki, And PSI Services, SA.

In its request, plaintiff states, inter alia, that, pursuant to the Court’s order of December 4, 2009, it served the operative complaint on Sunrise Media, Ltd. (“Sunrise”) and PSI Services, SA (“PSI”) by e-mail. Thereafter, on January 21, 2010, Sunrise Media, Ltd. (“Sunrise”) filed a letter in which it asserts it has not received the operative complaint.

Because Sunrise did not file the above-referenced letter through counsel, the letter is hereby STRICKEN. See United States v. High Country Broadcasting Co., 3 F.3d 1244,1245 (9th Cir. 1993) (providing corporation may only appear in court through “licensed counsel”).

Nonetheless, to the extent plaintiff seeks entry of default as to Sunrise and PSI, the request is deficient because plaintiff has not fully complied with the Court’s December 4,

1 2009 order affording plaintiff, pursuant to Rule 4(f)(3) of the Federal Rules of Civil
2 Procedure, leave to serve Sunrise and PSI by e-mail. Specifically, plaintiff has not stated
3 whether the emails it sent to Sunrise and PSI were “returned as undeliverable.” (See
4 Order, filed December 4, 2009); see also Fed. R. Civ. P. 4(l)(2)(B) (holding service under
5 Rule 4(f)(3) proper only where plaintiff provides “evidence satisfying the court that the
6 summons and complaint were delivered to the addressee”).

7 Accordingly, plaintiff is hereby afforded leave to supplement, no later than February
8 5, 2010, its request for entry of default, specifically, to state whether the emails it sent to
9 Sunrise and PSI were returned as undeliverable.

10 **IT IS SO ORDERED.**

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12 Dated: January 25, 2010

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14 MAXINE M. CHESNEY
15 United States District Judge
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