

United States District Court
For the Northern District of California

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

PLUSFIVE CLAIMS, LLC,)	Case No. 10-1561-SC
)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
0713401 B.C. LTD, a foreign)	
entity, SHARRIE CUTSHALL, an)	
individual,)	
)	
Defendants.)	
)	

On May 25, 2012, the Court allowed the law firm Greenan Peffer Sallander & Lally LLP ("Greenan Peffer") to withdraw as counsel for Defendants 0713401 B.C. Ltd. and Sharrie Cutshall. ECF No. 70. The Court permitted Greenan Peffer to withdraw only on the condition that it "continue to forward communications" to Ms. Cutshall and 0713401 B.C. LTD. Id. The Court also ordered Greenan Peffer to send Ms. Cutshall a letter by registered mail, explaining several points to her.

Greenan Peffer sent the letter that same day. ECF No. 72 ("May 25 Letter"). The May 25 Letter explained that Greenan Peffer was no longer Ms. Cutshall's lawyer. It explained that Greenan Peffer would forward to Ms. Cutshall all the documents in the case.

1 It explained that Ms. Cutshall faced an "alter ego" claim, that is,
2 a claim that 0713401 B.C. Ltd. and Ms. Cutshall "are one and the
3 same," with the result that if the Court enters a money judgment
4 against the company, Ms. Cutshall could be held personally
5 responsible for paying the company's debt. The May 25 Letter also
6 informed Ms. Cutshall that the Court had scheduled a trial in this
7 case for September 17, 2012, and that the trial date was
8 "inflexible and shall not be changed." The letter also informed
9 Ms. Cutshall of the pretrial conference set for September 7, 2012.

10 Greenan Peffer filed the May 25 Letter in the Court's
11 electronic filing system on June 4, 2012. Attached to the filing
12 was a signed return receipt indicating that the letter was accepted
13 at Ms. Cutshall's address on Foothill Drive in Salt Lake City,
14 Utah. See May 25 Letter at 3.

15 On September 7, 2012, the Court held the scheduled pretrial
16 conference. Counsel for Plaintiff appeared. Pursuant to an
17 earlier order of the Court, Ms. Cutshall's former counsel, Greenan
18 Peffer, also appeared. Ms. Cutshall did not appear. At the
19 hearing, the Court reviewed the contents of the May 25 Letter. The
20 Court observed that there is nothing in that letter, or any of the
21 other documents sent to Ms. Cutshall, which suggests that any of
22 the dates mentioned in the May 25 Letter had been changed.

23 The Court hereby ORDERS Greenan Peffer to send a letter to Ms.
24 Cutshall with a return receipt request. The letter shall enclose a
25 copy of this Order. The letter shall inform Ms. Cutshall, once
26 more, of the following: The trial scheduled for September 17, 2012
27 shall occur on that date. It shall begin at 10:00 a.m. in
28 Courtroom One, United States Courthouse, 450 Golden Gate Avenue,

1 San Francisco, California. At the trial, Ms. Cutshall may
2 represent herself. However, only a lawyer may represent 0713401
3 B.C. Ltd. Therefore, if 0713401 B.C. Ltd. intends to present a
4 defense, it must have an attorney. If Ms. Cutshall does not
5 appear, then the Court will enter default against her. ("Default"
6 means that she loses her case.) If Ms. Cutshall does not appear,
7 or appears without a lawyer to represent 0713401 B.C. Ltd., then
8 the Court also will enter default against 0713401 B.C. Ltd.
9 Finally, if Ms. Cutshall does not appear, then instead of a trial
10 the Court will hold a "prove-up hearing." At the prove-up hearing,
11 Plaintiff will present evidence and the Court will determine how
12 much Ms. Cutshall is liable for. That amount may include the debts
13 of 0713401 B.C. Ltd. The Court will also rule on the alter-ego
14 issue.

15 The Court wishes to inform Ms. Cutshall of the existence of
16 the Court's Pro Se Help Desk, which is designed to give information
17 to people who have no lawyer. The Pro Se Help Desk's phone number
18 is (415) 782-9000 x8657.

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20 IT IS SO ORDERED.

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22 Dated: September 7, 2012

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UNITED STATES DISTRICT JUDGE

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