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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RESILIENT FLOOR COVERING PENSION
TRUST FUND, et al.,

Plaintiff,

v.

HERITAGE FLOORS, INC., et al.,

Defendants.

No. C 12-01784 JSW

ORDER TO SHOW CAUSE

On August 8, 2012 Plaintiffs filed a motion to strike Defendants' answer. Pursuant to Northern District Civil Local Rules 7-3(a), Defendants' opposition brief was due on August 22, 2012. The Court has not received an opposition to the motion.

Defendants are **HEREBY ORDERED TO SHOW CAUSE** ("OSC") in writing, by **September 27, 2012**, why the pending motion to strike should not be granted in light of their failure to file a timely opposition or statement of non-opposition. If Defendants seeks to file a substantive response to Plaintiffs' motion, Defendants must demonstrate good cause for failing to file their opposition brief in a timely fashion. If Defendants fail to file a response to the Order to Show Cause by **September 27, 2012**, the Court shall deem the motion to strike unopposed.

The Court **VACATES** the hearing scheduled for October 5, 2012. If the Court requires a reply from Plaintiffs, it shall issue a further order setting a date on which a reply shall be due.

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The Court also hereby advises Defendants that the Handbook for Pro Se Litigants, which is available through the Court’s website or in the Clerk’s office, contains helpful information about proceeding without an attorney. The Court also advises Defendants that they also may wish to seek assistance from the Legal Help Center. Defendants may call the Legal Help Center at 415-782-9000, extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a free appointment with an attorney who may be able to provide basic legal help, but not legal representation. However, the Court notes that “a corporation may appear in the federal courts only through licensed counsel.” *See Rowland v. California Men’s Colony*, 506 U.S. 194, 202 (1993); *see also* Civil Local Rule 3-9(b). Therefore, as a non-attorney, John H. Papke cannot represent defendants Heritage Floors, Inc and Creative Tile and Flooring, Inc. and defendants Heritage Floors, Inc and Creative Tile and Flooring, Inc. cannot appear *pro se*.

IT IS SO ORDERED.

Dated: September 12, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RESILIENT FLOOR COVERING et al,

Case Number: CV12-01784 JSW

Plaintiff,

CERTIFICATE OF SERVICE

v.

BOARD OF TRUSTEES et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 12, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Creative Tile and Flooring, Inc.
c/o John H. Papke
3018 So. Mullen
Tacoma, WA 98409

Heritage Floors, Inc.
c/o John H. Papke
3018 So. Mullen
Tacoma, WA 98409

Dated: September 12, 2012



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk