

1
2
3
4
5
6
7
8
9
10
11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE SHERWIN-WILLIAMS COMPANY,
Plaintiff,
v.
L.A. SMITH & SONS INC., et al.,
Defendants.

Case No. [12-cv-02761-JST](#)

**SCEDULING ORDER AND ORDER
TO SHOW CAUSE RE NECESSITY OF
APPEARANCE THROUGH COUNSEL
FOR ENTITY DEFENDANT L.A.
SMITH & SONS, INC.**

In its Order dated March 16, 2013 granting the withdrawal of prior counsel for defendant L.A. Smith & Sons, Inc., ECF No. 43, the Court admonished defendant that, “as a corporation, Defendant L. A. Smith & Sons, Inc., cannot appear in court except through an attorney, and so must obtain new counsel.” The Court’s order reflected settled law and the Local Rules of this Court. Civ. L.R. 3-9(b)(“A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court”); Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993)(“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel”).

It appears from the docket in this action that defendant L.A. Smith & Sons, Inc., is still not represented by counsel. See, e.g., The Sherwin-Williams Company’s Case Management Statement, ECF No. 46 at 2. No notice of appearance for new counsel has been filed. Unless and until L.A. Smith & Sons, Inc. obtains new counsel, the Court cannot conduct a meaningful Case Management Conference.

Accordingly, and good cause appearing, the Case Management Conference scheduled for July 24, 2014 is VACATED. The matter is set for an Order to Show Cause hearing on September

28

1 5, 2013 at 2:00 p.m. At that hearing, Defendant L.A. Smith & Sons, Inc. is ORDERED TO
2 SHOW CAUSE why its answer and counterclaim should not be stricken for failure to appear
3 through licensed counsel. See, e.g., O'Campo v. Ghoman, CIV S-08-1624 KJM, 2011 WL
4 5510018 (E.D. Cal. Nov. 10, 2011) (noting striking of answer and entry of default as to
5 unrepresented corporate defendant).

6 If defendant L.A. Smith & Sons, Inc. retains an attorney, and that attorney files a Notice of
7 Appearance on or before August 29, 2013, the Order to Show Cause will be vacated, and the
8 hearing will proceed as a Case Management Conference.

9 **IT IS SO ORDERED.**

10 Dated: July 17, 2013

11
12 
13 JON S. TIGAR
14 United States District Judge

21
22
23
24
25
26
27
28