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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASCOTT JOHNSON,
Plaintiff,
v.
RATI, LLC,
Defendant.Case No. [18-cv-01688-AGT](#)**ORDER STRIKING DEFENDANT'S
ANSWER AND ENTERING DEFAULT**

Defendant Rati LLC has stopped participating in this case, as demonstrated by the company's failure to comply with the Court's orders requiring it to retain substitute counsel and to show cause for failing to do so. See ECF Nos. 46, 50. Due to this noncompliance, the case is now at a standstill; for as the Court previously noted, Rati LLC, a limited liability company, cannot proceed pro se. See Civ. L.R. 3-9(b).

When a corporate defendant fails to retain substitute counsel when ordered to do so, the Court may strike the defendant's answer and enter its default. See Fed. R. Civ. P. 16(f), 37(b)(2)(A) (district court may strike pleadings and enter default for failure to comply with pretrial order); *Emp. Painters' Tr. v. Ethan Enters., Inc.*, 480 F.3d 993, 998 (9th Cir. 2007) (district court did not abuse its discretion in entering default against corporate defendant "for failure to comply with local rules requiring representation by counsel"). The Court takes these actions here.

Rati LLC's answer, ECF No. 11, is stricken, and the Clerk of the Court is instructed to enter default against the company. By October 2, 2020, the plaintiff, Scott Johnson, shall file a motion for default judgment, which must address the Eitel factors. See *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). He must serve a copy of the motion on Rati LLC and file proof of service with the Court. If Johnson seeks to recover monetary damages or attorneys' fees and


United States District Court
Northern District of California

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costs, he must submit evidence in support of such awards with his motion.

IT IS SO ORDERED.

Dated: September 9, 2020



ALEX G. TSE
United States Magistrate Judge