

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAEXECUTIVE RISK SPECIALTY  
INSURANCE COMPANY,

Plaintiff,

No. C 09-1840 PJH

v.

CROCKER SECURITIES LLC, et al.,

Defendants.

**ORDER GRANTING MOTION TO  
STRIKE IN PART AND DENYING  
MOTION IN PART AND VACATING  
HEARING DATE**

Before the court is plaintiff's motion to strike defendant Crocker Securities LLC's ("defendant") answer and for entry of default and/or default judgment, which defendant has failed to oppose. Because the court finds that oral argument is unnecessary and would not be helpful, the hearing date of September 16, 2009 is VACATED pursuant to Civil Local Rule 7-1(b), and plaintiff's motion is GRANTED in part and DENIED in part, as follows:

1. Plaintiff's motion to strike defendant's answer is GRANTED. As a limited liability company, defendant may only appear through an attorney duly admitted to practice law before the court. See, e.g., N.D. Cal. Civil L.R. 3-9(b). Thus, defendant's answer, filed "in pro per" and apparently signed on defendant's behalf by individual co-defendant Kevin Martin, is improper, and must be stricken.

2. Plaintiff's corresponding request to have the court enter default and/or default judgment against defendant is DENIED. Plaintiff shall first tender its request for entry of default to the court clerk, per normal court procedure, and only in the event the requirements for a clerk-entered default judgment cannot be met, may plaintiff then

1 proceed to apply for entry of default from the court directly.

2  
3 **IT IS SO ORDERED.**

4 Dated: September 10, 2009



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PHYLLIS J. HAMILTON  
United States District Judge