

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

3
4 SIDNEY NAIMAN, et al.,

5 Plaintiffs,

6 v.

7 TOTAL MERCHANT SERVICES, INC.,
8 et al.,

9 Defendants.

Case No. 17-cv-03806-CW

ORDER GRANTING MOTION TO
STRIKE

(Dkt. No. 49)

United States District Court
Northern District of California

10
11 On December 19, 2017, Defendants Quality Merchant Services,
12 Inc. and Michael Alimento filed an answer to the Second Amended
13 Complaint (2AC). Alimento signed the answer on behalf of himself
14 individually and on behalf of Quality Merchant Services as Vice
15 President of the company.

16 On December 20, 2017, Plaintiffs Timothy Collins and Sidney
17 Naiman moved to strike the answer filed by Quality Merchant
18 Services because a "corporation, unincorporated association,
19 partnership or other such entity may appear only through a member
20 of the bar of this Court." Civil L.R. 3-9(b); see also U.S.
21 Commodity Futures Trading Comm'n v. Castillo, No. 06-cv-02540
22 TEH, 2007 WL 2088372, at *1 (N.D. Cal. July 19, 2007) ("Non-
23 attorneys, including a corporation's president and sole
24 shareholder, are barred from representing a corporation.").

25 Any opposition to the motion to strike was due on January 3,
26 2018. See Civil L.R. 7-3(a). Neither Quality Merchant Services
27 nor any other party responded to the motion. Also, there is no
28 indication in the record that Alimento is an attorney.

1 Upon review of the record and the relevant authority, the
2 Court GRANTS Plaintiffs' motion to strike (Docket No. 49) and
3 hereby STRIKES the answer of Quality Merchant Services, Inc.
4 (Docket No. 48). The Court does not, however, strike the answer
5 of Michael Alimento (also Docket No. 48), which remains
6 operative.

7 Quality Merchant Services must file an answer through
8 counsel within fourteen days after the date of this order. If
9 Quality Merchant Services fails to do so, Plaintiffs shall
10 promptly file a request for the Clerk to enter its default. See
11 Fed. R. Civ. P. 55(a).

12 All deadlines set previously remain in effect.

13 IT IS SO ORDERED.

14
15 Dated: January 4, 2018



CLAUDIA WILKEN
United States District Judge