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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 JOHN NEWMAN,
8 Plaintiff,
9 v.
10 MACENO PIZZA LLC,
11 Defendant.

Case No. [4:25-cv-01105-KAW](#)

**ORDER STRIKING STATEMENT OF
JURACI MACENO FILHO**

Re: Dkt. No. 8

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13 On February 3, 2025, Plaintiff John Newman filed this lawsuit against Maceno Pizza LLC
14 (dba Monza Pizzeria). (Compl., Dkt. No. 1.)

15 On February 18, 2025, Juraci Maceno Filho, owner of Defendant Maceno Pizza LLC, filed
16 a statement in which he denied the allegations in the complaint. (Dkt. No. 8.)

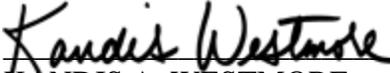
17 Defendant, however, is an LLC, and corporations may only appear in court through an
18 attorney. *See Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-02 (1993). Mr. Filho is not
19 licensed to practice in California nor is he admitted to practice in this district. Thus, to the extent
20 that Mr. Filho's statement could be construed as an answer to the complaint, the Court strikes his
21 statement under its inherent powers. *See United States v. High Country Broad. Co.*, 3 F.3d 1244,
22 1245 (9th Cir. 1993) ("perfectly appropriate" for district court to strike answer and enter default
23 judgment against corporation when it failed to retain counsel); *TeleVideo Sys., Inc. v. Heidenthal*,
24 826 F.2d 915, 916 (9th Cir. 1987) (determining that striking an answer and entering default
25 judgment are within a court's inherent powers); *see also Coastal Env't Rts. Found. v. Aztec Perlite*
26 *Co., Inc.*, No. 24-cv-385-RSH-SBC, 2024 WL 4520350, at *3 (S.D. Cal. Oct. 16, 2024) (struck
27 answer and entered default sua sponte under court's inherent powers).

28 Mr. Filho is advised that he must obtain counsel for the corporate defendant to defend this

1 action, and that the failure to timely respond to the complaint by **March 18, 2025** may ultimately
2 result in default judgment being entered against Defendant Maceno Pizza LLC. (*See* Summons
3 Returned Executed, Dkt. No. 9.)

4 IT IS SO ORDERED.

5 Dated: March 4, 2025

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7 KANDIS A. WESTMORE
8 United States Magistrate Judge
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