

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEFFREY A. PRUSSIN and JUDY M.
PRUSSIN,

Plaintiffs,

v.

BEKINS VAN LINES, LLC,
Defendant.

Case No. 5:13-cv-02874-HRL

**ORDER STRIKING DEFENDANT'S
ANSWER AND ENTERING DEFAULT**

Re: Dkt. No. 63

This court previously directed defendant Bekins Van Lines LLC (Bekins) to show cause, no later than August 21, 2015, why its answer should not be stricken and its default entered for failure to participate in discovery and this litigation. (Dkt. 67). Although the docket indicates that the court's order to show cause was served on defendant (Dkt. 68), this court has received no response. Additionally, plaintiffs advise that they have not been contacted by Bekins. (Dkt. 70).

Accordingly, for these reasons and for all the reasons stated in the court's show cause order, Bekins' answer (Dkt. 6) is hereby stricken from the record, and default is entered against

Bekins.¹

Gregg Garfinkel, who remains on this docket solely for forwarding purposes, shall promptly file a proof of service on Bekins as to this order.

SO ORDERED.

Dated: December 16, 2015



HOWARD R. LLOYD
United States Magistrate Judge

¹ Although not the specific basis for plaintiffs' present request for terminating sanctions, the court notes that in its order conditionally permitting Bekins' former counsel of record to withdraw from this matter, Bekins was warned that it could not appear pro se or through its corporate officers; that it was required to obtain new counsel; and that the failure to retain a new attorney could lead to an order striking its pleadings or to the entry of its default. (Dkt. 55). Bekins' former attorney avers that he also gave similar warnings to Bekins prior to withdrawing from the case. (Dkt. 52). To date, Bekins has never appeared through other counsel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5:13-cv-02874-HRL Notice has been electronically mailed to:

Allen Gabriel Haroutounian aharoutounian@nemecek-cole.com

Frank Xavier Dipolito fdipolito@swaindipolito.com, swaindipolito@lawyer.com

Gavin E Kogan gavin@lg-attorneys.com

Gregg S. Garfinkel ggarfinkel@nemecek-cole.com

Ross Ian Landau rlandau@swaindipolito.com