

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

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

RACHELLE RIDOLA,  
Plaintiff,  
v.  
RED SANDLEWOOD, LLC, et al.,  
Defendants.

Case No. [17-cv-02628-BLF](#)

**ORDER GRANTING PLAINTIFF'S  
MOTION TO STRIKE DEFENDANT  
RED SANDLEWOOD LLC'S ANSWER  
TO PLAINTIFF'S COMPLAINT AND  
FIRST AMENDED COMPLAINT**

[ECF 72]

On June 20, 2019, the Court granted Andrea Justo and the Costanzo Law Firm, APC's motion to withdraw as counsel for Defendant Hung Quang Nguyen, d/b/a Tip Top Liquors ("Nguyen") because Defendants had agreed that Defendant Nguyen would be represented by Mr. Michael Welch, counsel for Defendant Red Sandlewood, LLC ("Sandlewood"). ECF 64.<sup>1</sup>

On September 5, 2019, the Court granted Michael Welch's unopposed Motion to Withdraw as Counsel for Defendants. ECF 71. In that Order, the Court stayed the case for 30 days to allow Defendants to secure new counsel. *Id.* The Court noted that failure to obtain counsel "will result in the Court striking the answer as to Defendant Sandlewood and issuing a default judgment against Defendant Sandlewood, because Sandlewood is not permitted to represent itself in court." *Id.* To date, new counsel has not appeared on behalf of Sandlewood.

Before the Court is Plaintiff Rachelle Ridola's unopposed Motion to Strike Defendant Red Sandlewood LLC's Answer to Plaintiff's Complaint and First Amended Complaint. ECF 72. "A corporation, unincorporated association, partnership or other such entity may appear only through a member of the bar of this Court." *See* Local Rule 3-9 (b). The stay ordered in this case has long

---

<sup>1</sup> On April 14, 2019, Mr. Welch filed an answer to Plaintiff's First Amended Complaint on behalf of both Defendants. ECF 60.

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

expired and Sandlewood remains unrepresented by counsel. Thus, the Court GRANTS Plaintiff's motion. Sandlewood's answer to Plaintiff's original complaint at ECF 28 and its answer to Plaintiff's First Amended Complaint at ECF 60 (as to Sandlewood) are hereby STRICKEN.

The motion hearing set for February 13, 2020, is hereby VACATED.

**IT IS SO ORDERED.**

Dated: November 14, 2019



---

BETH LABSON FREEMAN  
United States District Judge