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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DR. RACQUEL S. BOVIER, c/o  
EPIPHANY ONEPOINTE  
TELE THERAPY & ASSOC., LLC,  
Plaintiff,

v.

BRIDGEPOINT  
EDUCATION/ASHFORD  
UNIVERSITY, BRIDGEPOINT  
UNIVERSITY GOVERNING BOARD  
OF REGENTS, DR. CRAIG MAXWELL,  
DR. ANTHONY “TONY” FARRELL,  
DR. DENISE MAXWELL, MR. JOHN  
GOODISON, DR. IRIS LAFFERTY, DR.  
TAMECCA FITZPATRICK, DR. JUDY  
DONOVAN, DR. JACKIE KYGER, MS.  
HEATHER MASON, DR. ALAN  
BELCHER, MR. ARMONDO  
DOMINGUEZ & ASSOC.,  
Defendants.

Case No.: 3:17-cv-01052-GPC-JMA

**ORDER:**

**(1) DISMISSING BRIDGEPOINT  
UNIVERSITY GOVERNING BOARD  
OF REGENTS AS A NON-EXISTENT  
DEFENDANT AND  
(2) DENYING PLAINTIFF’S  
MOTION REQUEST FOR RELIEF  
[DKT. NO. 41]**

1           **I.   DISMISSAL OF NON-EXISTENT DEFENDANT BRIDGEPOINT**  
2                           **EDUCATION UNIVERSITY GOVERNING BOARD OF REGENTS**

3           On February 22, 2018, this Court granted the Motion to Dismiss Plaintiff’s First  
4 Amended Complaint as to Defendants Bridgepoint Education, Inc. (“Bridgepoint”) and  
5 Anthony Farrell, Denise Maxwell, Iris Lafferty, Tamecca Fitzpatrick, Judy Donovan,  
6 Jackie Kyger, Heather Mason, Alan Belcher, John Goodison, and Armando Dominguez  
7 (the “Individual Defendants”). Dkt. No. 37. That same day, the Court ordered  
8 defendant’s attorney to show cause as to why Defendant Bridgepoint Governing Board of  
9 Regents, a party listed in the First Amended Complaint and for which a summons  
10 returned executed is listed on the docket (Dkt. No. 34), had not yet filed a responsive  
11 pleading to Dr. Bovier’s First Amended Complaint.

12           On March 1, 2018, Defendant Bridgepoint Education (represented by Attorney  
13 Jacqueline Seiter) filed a status report in response to the Court’s Order. Seiter reported  
14 that Bridgepoint Education University Governing Board of Regents had not filed a  
15 responsive pleading because this entity does not exist. *See* Harvey Decl. ¶ 3. Neither  
16 Bridgepoint, nor Ashford University maintain a Board of Regents. *Id.* ¶ 4. No California  
17 business entity including Bridgepoint or Ashford appears to include the name “Board of  
18 Regents” in its name. Seiter Decl. ¶¶ 2-3.

19           Accordingly, the Court will **DISMISS** Defendant Bridgepoint Education  
20 University Governing Board of Regents as a non-existent entity. *See Mcguckin v. Smith*,  
21 974 F.2d 1050, 1056-57 (9th Cir. 1992), *overruled on other grounds by WMX Techs., Inc.*  
22 *v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (“Although there does not  
23 appear to be an explicit basis either in the Federal Rules of Civil Procedure or in federal  
24 statutes for the dismissal of a ‘nonexistent defendant’ on that ground alone, it is likely  
25 that district courts have the authority to do so.”); *Pippen v. Georgia-Pac., LLC*, No. 1:07-  
26 CV-1565-BBM/AJB, 2008 WL 11336177, at \*3 (N.D. Ga. May 21, 2008) (dismissing  
27 nonexistent entity as “an entity which does not exist is not amenable to suit”); *Orion*  
28

1 *Const. Group, LLC v. Berkshire Wind Power, LLC*, No. 07-cv-10, 2007 WL 1118375 at \*  
2 6 (E.D. Wis. Apr. 13, 2007) (dismissing case against entity that does not exist).

3 **II. DEFENDANT’S MOTION FOR RELIEF**

4 On February 28, 2018, the Court received a “Motion Request for Relief” from  
5 Plaintiff Racquel Bovier. Dkt. No. 41. In her request for relief, Ms. Bovier appears to  
6 acknowledge (citing Local Rule 7-12) that she failed to oppose Defendant’s motion to  
7 dismiss/quash in a timely manner. Mot. ¶ 2.

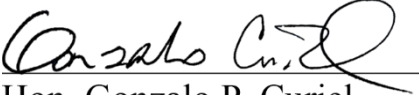
8 Nevertheless, Ms. Bovier also appears to be bringing a motion for default  
9 judgment against Bridgepoint University Governing Board of Regents, the entity the  
10 Court dismisses above as a non-existent entity. Mot. ¶ 1. Plaintiff has requested several  
11 remedies including compensatory damages, punitive damages, and restitution. Mot. at 6.  
12 This motion fails for several reasons, including because the remaining defendant is a non-  
13 existent entity and because the clerk has not entered a default against Bridgepoint  
14 University Governing Board of Regents. *See* Fed. R. Civ. P. 55(a). Accordingly, the  
15 Court construes Plaintiff’s Motion as a Motion for Default Judgment and **DENIES** the  
16 Motion.

17 **CONCLUSION**

18 As all Defendants listed in the First Amended Complaint have now been  
19 dismissed, the First Amended Complaint is now dismissed in its entirety without  
20 prejudice. The Court directs the Clerk of Court to administratively close the case.

21  
22 **IT IS SO ORDERED.**

23 Dated: March 2, 2018

24   
25 Hon. Gonzalo P. Curiel  
26 United States District Judge  
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