

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 09-CV-00705-WDM-CBS

B&R PLASTICS, INC. a Colorado corporation,

Plaintiff,

v.

BIG R, an Illinois corporation,
RON KAY, an individual, and
BOB CURRY, an individual,

Defendants.

ORDER STRIKING STIPULATION

This matter is before me on a pleading entitled Stipulation of Confession of Judgment, Dismissal and Order Thereon Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) signed by plaintiff's counsel and the alleged corporate defendant, Watseka Rural King Supply, Inc. Said defendant is in default and no attorney has entered an appearance on its behalf. The stipulation purports to be pursuant to an improperly cited rule. Assuming plaintiff's counsel intended to refer to Rule 41(a)(1)(A)(ii), it requires that the stipulation be "signed by all parties who have appeared." Since the corporate defendant is in default, it has not appeared and may only appear through members of this Court's bar. See D.C.COLO.LCivR 11.1A. Accordingly, the stipulation should be stricken. *Id.*

If the corporate defendant is not to be represented by counsel, it is suggested that plaintiff move for default judgment pursuant to § 8 of my Pretrial and Trial

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Procedures.

Accordingly, it is ordered that the "Stipulation of Confession of Judgment, Dismissal and Order Thereon Pursuant to Fed. R. Civ. P. 41(a)(1)(ii)" (doc. no. 38) is stricken.

DATED at Denver, Colorado on March 1, 2010

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walker D. Miller", written over a faint horizontal line.

s/ Walker D. Miller
United States Senior District Judge