

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KAYLA ELWELL,

Plaintiff,

v.

Case No: 8:13-cv-2857-T-30TBM

PIERCE N TELL, LLC and
OSHIK PEREZ,

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion to Partially Strike Defendants' Motion to Set Aside Default Judgment (Dkt. 64). In this case alleging violations of the Fair Labor Standards Act, Plaintiff prevailed in a Final Default Judgment entered on August 15, 2014. On September 28, 2016, Defendant Oshik Perez filed a motion pro se, on his behalf and on behalf of Pierce N Tell, LLC, to set aside that final default judgment.

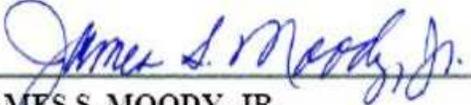
Plaintiff now argues that Defendants' motion, to the extent it seeks relief for corporate Defendant Pierce N Tell, should be stricken, because both the Local Rules for the Middle District of Florida and binding Eleventh Circuit precedent require that corporate parties be represented by counsel.

The Court agrees. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985); Local Rule 3.03(e) ("A corporation may appear and be heard only through counsel admitted to practice in the Court . . .").

Accordingly, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Motion to Partially Strike Defendants' Motion to Set Aside Default Judgment (Dkt. 64) is GRANTED.
2. Defendant's Motion to Set Aside Default Judgment (Dkt. 62), to the extent it seeks relief for corporate Defendant Pierce N Tell, LLC, is STRICKEN.
3. Insofar as the Motion seeks relief for pro se Defendant Oshik Perez, the Motion to Set Aside Default Judgment is still pending.

DONE and **ORDERED** in Tampa, Florida, this 18th day of October, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record