

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**CONSTRUCTION INDUSTRY LABORERS)
PENSION FUND, et al.,)
)
 Plaintiffs,)
)
vs.)
)
**WHITNEY INDUSTRIAL CONTRACTORS,)
LLC,)
)
 Defendant.)****

Case No. 10-0052-CV-W-GAF

ORDER

Now before the Court is Plaintiffs Construction Industry Laborers Pension Fund, et al.’s, (“Plaintiffs”) Motion to Strike Defendant’s Answer to Plaintiffs’ Complaint filed pursuant to Fed. R. Civ. P. 12(f). (Doc. # 9). Plaintiffs argue Defendant Whitney Industrial Contractors, LLC’s (“Defendant”) Answer is ineffective because the Answer was filed by Defendant’s registered agent, Michael Whitney, *pro se*. (Doc. # 10). On April 12, 2010, the Court issued an Order to Show Cause (Doc. # 13) to Defendant, ordering Defendant to respond to Plaintiffs’ Motion. As of this date, Defendant has failed to respond.

It is well settled law that a corporation must be represented by actual legal counsel and may not appear before a court *pro se*. See *Carr Enterprises, Inc. v. United States*, 698 F.2d 952, 953 (8th Cir. 1983). Defendant has failed to properly respond to the Court’s Order to Show Cause and has failed to procure adequate counsel to appear on its behalf in this case. For these reasons, it is

ORDERED that Plaintiffs’ Motion to Strike Defendant’s Answer is **GRANTED**. In accordance with Plaintiffs’ request, Defendant shall have up to and including twenty-one (21) days

from the date of this Order to obtain proper counsel and file its answer to Plaintiffs' Complaint. Failure to properly answer within the aforementioned twenty-one (21) day period may result in dismissal of this action by means of a default judgment in favor of Plaintiffs.

IT IS SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: May 4, 2010