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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

RES-NV ONE, LLC, a Florida limited liability company,

 Plaintiff,

 vs.

GARRETT, LLC, a Nevada limited liability company; MACKENZIE CROSSING, LLC, a Nevada limited liability company; LARRY L. SAYERS, an individual,

 Defendants.

Case No.: 2:11-cv-00345-RLH-PAL

ORDER

(Motion to Strike Answers of Defendants Garrett, LLC and Mackenzie Crossing, LLC-#13)

Before the Court is Plaintiff RES-NV ONE, LLC's **Motion to Strike Answers of Defendants Garrett, LLC and Mackenzie Crossing, LLC (#13, filed June 3, 2011)** based on Rule 12(f) of the Federal Rules of Civil Procedure. Defendants did not reply.

This dispute arises from Plaintiff's claims against Defendants for a deficiency judgment. Plaintiff filed a complaint on March 4, 2011. Defendant Sayers, although not a lawyer, answered on behalf of himself and the two other corporate Defendants, Garrett, LLC and Mackenzie Crossing, LLC. (Dkt. #8, Answer, April 18, 2011.) Plaintiff now asks the Court to strike Garrett, LLC and Mackenzie Crossing, LLC's Answer.

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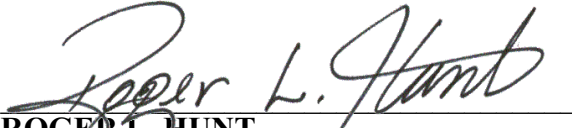
“It is a longstanding rule that ‘[c]orporations and other unincorporated associations must appear in court through an attorney’.” *D-Beam Ltd. Partnership v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973–74 (9th Cir. 2004) (citing *Licht v. Am. W. Airlines (In re Am. W. Airlines)*, 40 F.3d 1058, 1059 (9th Cir. 1994). Thus, Sayers improperly filed an Answer on behalf Garrett, LLC and Mackenzie Crossing, LLC. Furthermore, Local Rule 7-2(d) of the Local Rules of Practice provides that failure to file points and authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). Having failed to respond to Plaintiff’s motion, Defendants Garrett, LLC and Mackenzie Crossing, LLC have effectively consented.

CONCLUSION

Accordingly, and for good cause appearing,

IT IS HEREBY ORDERED that Motion to Strike Answers of Defendants Garrett, LLC and Mackenzie Crossing, LLC (#13) is GRANTED. Defendants’ Answer (#8) is therefore stricken from the record with respect to Garrett, LLC and Mackenzie Crossing, LLC.

Dated: July 5, 2011.


ROGER L. HUNT
United States District Judge