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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Trustees of the Plumbers and Pipefitters
Union Local 525 Health and Welfare Trust
and Plan et al.,

Plaintiffs,

vs.

Juan Carillio Sotelo dba Sotelo Air; Sotelo
Air, Inc. dba Cool Air Now; Aegis Security
Insurance Company; American Safety
Casualty Insurance Co.,

Defendants.

Case No.: 2:13-cv-00657-JAD-NJK

**Order Granting in Part Motion to
Strike Answer and Denying Motion for
Clerk's Entry of Default [#21, 22]**


On November 15, 2013, Defendant Juan Carillio Sotelo filed an answer “in Proper Person and answering for” Sotelo Air; Sotelo Air, Inc. dba Cool Air Now; Aegis Security Insurance Company; and American Safety Casualty Insurance Co. Doc. 20. Plaintiffs move to strike the answer and to default these fictitious-entity defendants because the law prohibits non-attorney Sotelo from representing these parties in court. “It is a longstanding rule that corporations and other unincorporated associations must appear in court through an attorney.” *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) (citation and quotation marks omitted, second modification in original); *Rowland v. California Men’s Unit II Advisory Council*, 506 U.S. 194, 202 (1993). A court may sanction a fictional defendant by striking its answer when it fails to retain counsel to defend itself.

1 See *Galtieri-Carlson v. Victoria M. Morton Enters., Inc.*, 2010 WL 3386473 (E.D.Cal. Aug.
2 26, 2010) (sanctioning corporate defendants by striking their answer when they failed to
3 retain alternate counsel after the withdrawal of their original counsel); *Rojas v. Hawgs*
4 *Seafood Bar, Inc.*, 2009 WL 1255538 (N.D.Cal. May 5, 2009) (“When a corporation fails to
5 retain counsel to represent it in an action, its answer may be stricken and a default judgment
6 entered against it”).

7 IT IS HEREBY ORDERED that Plaintiffs’ Motion to Strike the Answer [#21] is
8 **GRANTED**; the Answer on behalf of Sotelo Air, Inc. dba Cool Air Now, Aegis Security
9 **Ins. Co., and American Safety Casualty Ins. Co. is STRICKEN** ;

10 IT IS FURTHER ORDERED that the Motion to Enter Clerk’s Default against these
11 fictitious defendants [#22] is **DENIED** without prejudice; Sotelo Air, Inc. dba Cool Air
12 Now, Aegis Security Ins. Co., and American Safety Casualty Ins. Co. shall have up through
13 and including **December 20, 2013**, to retain counsel and have new counsel file an answer on
14 their behalf. **Sotelo Air, Inc. dba Cool Air Now, Aegis Security Ins. Co., and American**
15 **Safety Casualty Ins. Co. are strongly cautioned that failure to retain counsel and have**
16 **counsel file a proper answer on their behalf by this deadline may result in the entry of**
17 **default and a potential default judgment entered against them.**

18 December 5, 2013.

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21 JENNIFER A. DORSEY
22 UNITED STATES DISTRICT JUDGE
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