

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
NORTHERN DIVISION

BTL Industries, Inc. v. QuadCore Corp. d/b/a Layton Weight Loss
Clinic; Beatriz Potenza; and Roberto Potenza

BTL Industries · No. 1:25-cv-00108 · Decided April 20, 2026

SUMMARY

The United States District Court for the District of Utah denied Beatriz and Roberto Potenza’s motion to set aside QuadCore Corporation’s entry of default and to appear pro se on the corporation’s behalf. The court held that a corporation must be represented by licensed counsel and that the Potenzas, as non-attorneys, could not contest the default or argue for QuadCore; the court also denied their request for a thirty-day stay to obtain counsel.

CASE DETAILS

COURT	United States District Court for the District of Utah, Northern Division
WRITING FOR THE COURT	Daphne A. Oberg
JURISDICTION	United States District Court for the District of Utah, Northern Division
DECIDED	April 20, 2026
DOCKET	1:25-cv-00108
DISPOSITION	other
PROCEDURAL POSTURE	The Potenzas, proceeding pro se, moved to set aside the entry of default against QuadCore Corporation, sought leave to appear pro se on QuadCore's behalf, and requested a thirty-day stay to obtain counsel. The court denied the motion.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default
- civil procedure
- patent law
- trademark law
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- intellectual property
- patent law
- trademark law

QUESTIONS PRESENTED

1. Whether non-attorney corporate officers may move to set aside a corporation's entry of default or otherwise argue on the corporation's behalf in federal court.
2. Whether the court should grant a thirty-day stay to allow the corporation to secure counsel.

HOLDINGS

1. A corporation must be represented by licensed counsel in federal court; non-attorney corporate officers may not appear pro se for the corporation or move to set aside the corporation's default on its behalf.
2. A stay to secure counsel was unwarranted where the Potenzas had nearly four months to obtain counsel, had known for at least six months that QuadCore could not appear pro se, and no attorney had appeared.

KEY QUOTATIONS

"It is a 'long-standing rule that a corporation must be represented by an attorney to appear in federal court.'" (Analysis)

"QuadCore can only appear in this case through counsel—not the Potenzas—and in accordance with the applicable rules." (Conclusion)

FACTUAL BACKGROUND

BTL alleged that QuadCore and the Potenzas unlawfully sold body-contouring services using a device that infringed BTL's patent and trademark. QuadCore was served but did not answer by its August 27, 2025 deadline, and the clerk entered default after BTL moved for entry of default. The Potenzas stated that they could not afford an attorney for QuadCore and attempted to seek relief from default and appear for the corporation themselves. No attorney had appeared for QuadCore by the time of the decision.

PROCEDURAL HISTORY

BTL sued QuadCore and Beatriz and Roberto Potenza for patent and trademark infringement. QuadCore failed to timely answer, the clerk entered default, and BTL moved for default judgment. The Potenzas then filed the motion at issue without counsel for QuadCore. The district court denied the motion because QuadCore had not contested its default through an attorney and the Potenzas could not represent the corporation.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Tal v. Hogan, 453 F.3d 1244, 1254 (10th Cir. 2006)
- Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993)
- Harrison v. Wahatoyas, LLC, 253 F.3d 552, 556 (10th Cir. 2001)

- Evans v. Loveland Auto. Invs., Inc., No. 13-cv-2415, 2013 U.S. Dist. LEXIS 165561, at *5 (D. Colo. Nov. 20, 2013)

OPINION

BTL Industries, Inc. v. QuadCore Corp. d/b/a Layton Weight Loss Clinic; Beatriz Potenza; and Roberto Potenza

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NORTHERN DIVISION

MEMORANDUM DECISION AND

BTL INDUSTRIES, INC.,

ORDER DENYING MOTION TO SET

ASIDE DEFAULT AND FOR LEAVE

Plaintiff,

TO APPEAR PRO SE ON BEHALF

OF DEFENDANT QUADCORE CORP. v.

(DOC. NO. 37)

QUADCORE CORP. d/b/a Layton Weight Case No. 1:25-cv-00108 Loss Clinic; BEATRIZ POTENZA; and

ROBERTO POTENZA,

District Judge David Barlow Defendants. Magistrate Judge Daphne A. Oberg BTL Industries, Inc., initiated this patent and trademark infringement action against QuadCore Corporation and its owners, Beatriz and Roberto Potenza.¹ After QuadCore failed to timely answer the complaint, BTL moved for entry of default against the company.² The clerk granted the motion and entered a default certificate,³ and BTL moved for default judgment.⁴ Proceeding without an attorney, the Potenzas now move to set aside the entry of default against QuadCore and ask to appear pro se on the 1 (Compl., Doc. No. 1.) 2 (Mot. for Entry of Default as to Def. QuadCore Corp., Doc. No. 32.) 3 (Default Certificate QuadCore Corp., Doc. No. 33.) 4 (Mot. for Entry of Default & Permanent Inj. Against Def. QuadCore Corp., Doc. No. 35.) Notwithstanding the title, BTL's motion in fact seeks entry of default judgment. (See *id.* at 1.) company's behalf because they cannot afford an attorney.⁵ Because QuadCore has not contested its default through an attorney—and the Potenzas cannot represent QuadCore or otherwise appear on its behalf—the motion is denied.

BACKGROUND

BTL brought this action against the Potenzas and QuadCore in July 2025, claiming they unlawfully sell body-contouring services using a patent- and trademark- infringing device.⁶ After being served, QuadCore and the Potenzas failed to answer BTL's complaint by their respective deadlines, August 27 and August 25, 2025.⁷ In September, the Potenzas moved to extend their own deadline and noted they could not afford an attorney for QuadCore, “which under federal law

cannot appear pro se.”⁸ The court extended the Potenzas’ answer deadline.⁹ QuadCore, however, did not seek an 5 (Mot. to Set Aside Default & for Leave to Appear Pro Se on behalf of Def. QuadCore Corp. (Mot.), Doc. No. 37.) 6 (Compl. ¶¶ 1–6, Doc. No. 1.) 7 (Certificates of Serv., Doc. Nos. 18–20.) 8 (Mot. for Extension of Time to File Answer 3, Doc. No. 28.) Where the Potenzas’ filings do not include any (or uniform) page numbers, references are to the CM/ECF pagination. 9 (Mem. Decision & Order Granting Mot. for Extension of Time to File Answer, Doc. No. 29.) In its order, the court extended the Potenzas’ answer deadline to October 21, 2025. (Id. at 3.) The Potenzas then contacted the clerk of court seeking guidance on whether the proposed answer and exhibits they had attached to their motion had “been properly accepted and entered into the Court’s record.” (Lodged Doc., Email Correspondence, Doc. No. 30 at 1 (October 3, 2025 email from the Potenzas referencing Doc. Nos. 28-1 through 28-7).) In response, the clerk of court copied BTL’s counsel and explained to the Potenzas that they needed to re-file the proposed answer and exhibits. (Doc. No. 30-1 (referencing Doc. Nos. 28-1–28-7).) As of the date of this extension or answer the complaint, and counsel has not appeared on its behalf. On October 15, 2025, BTL moved for entry of default against the company.¹⁰ Default was entered one week later.¹¹ BTL then moved for default judgment on November 20.¹² The Potenzas filed the present motion the following day, arguing good cause exists to set aside QuadCore’s default and seeking to represent the company themselves.¹³

ANALYSIS

The Potenzas’ motion is denied because QuadCore has not contested its default through an attorney and the Potenzas cannot represent the company or otherwise argue on its behalf. It is a “long-standing rule that a corporation must be represented by an attorney to appear in federal court.”¹⁴ Corporations and other business entities cannot appear in court “through a non-attorney corporate officer appearing pro se.”¹⁵ order, the Potenzas have not refiled their answer and exhibits, and BTL has not moved for entry of default against them for failing to do so. 10 (Mot. for Entry of Default as to Def. QuadCore Corp., Doc. No. 32.) 11 (Default Certificate QuadCore Corp., Doc. No. 33.) 12 (Mot. for Entry of Default & Permanent Inj. Against Def. QuadCore Corp., Doc. No. 35.) 13 (Mot., Doc. No. 37.) Because the Potenzas proceed pro se, their motion is “liberally construed.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citation omitted). 14 *Tal v. Hogan*, 453 F.3d 1244, 1254 (10th Cir. 2006) (collecting cases); see also *Rowland v. California Men’s Colony*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.”). 15 *Harrison v. Wahatoyas, LLC*, 253 F.3d 552, 556 (10th Cir. 2001). The District of Utah’s local rules reflect this also.¹⁶ QuadCore, as a corporate entity, must be represented by a licensed attorney. The Potenzas, as non-attorneys, cannot seek to set aside QuadCore’s default.¹⁷ They cannot make any arguments on the company’s behalf. Because the company has not contested its default and the Potenzas cannot do so, the motion is denied.¹⁸ The Potenzas’ request for a thirty-day stay to allow them to secure counsel for QuadCore is also denied.¹⁹ They have now had

nearly four months to secure counsel, yet no attorney has appeared. And they have known of the need to find counsel for QuadCore for even longer—at least six months.²⁰ Under these circumstances, the Potenzas have not justified a stay for purposes of securing counsel. ¹⁶ See DUCivR 83-1.3(c)(1)–(2) (providing that individuals “may represent themselves,” but a “corporation, association, partnership, or other artificial entity must be represented by an attorney”). ¹⁷ See, e.g., *Evans v. Loveland Auto. Invs., Inc.*, No. 13-cv-2415, 2013 U.S. Dist. LEXIS 165561, at *5 (D. Colo. Nov. 20, 2013) (unpublished) (denying pro se individual defendant’s motion to set aside corporate entity defendants’ defaults because the companies had not appeared through counsel and the individual could not appear on their behalf “simply based on the fact that he is a principal in these organizations”); see also *Harrison*, 253 F.3d at 556 (“As a general matter, a corporation or other business entity can only appear in court through an attorney and not through a non-attorney corporate officer appearing pro se.”). ¹⁸ Where the Potenzas’ request to appear on behalf of QuadCore is denied, the court does not address any of the specific arguments they try to assert on the company’s behalf. ¹⁹ (Mot., Doc. No. 37 at 11.) ²⁰ (See Mot. for Extension of Time to File Answer, Doc. No. 28 at 3 (recognizing that QuadCore cannot appear pro se under federal law).)

CONCLUSION

For these reasons, the motion?! is denied. QuadCore can only appear in this case through counsel—not the Potenzas—and in accordance with the applicable rules. DATED this 20th day of April, 2026. BY THE COURT: tee A. Oberg United States Magistrate Judge 21 (Doc. No. 37.)