

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

BMO Bank N.A. v. SBFS Trucking Inc., et al.

BMO Bank · No. 1:24-cv-01260-KES-SAB · Decided March 6, 2025

SUMMARY

The court set aside the Clerk’s entries of default against SBFS Trucking Inc. and Barinder Singh Gill after finding good cause based on Gill’s apparent intent to defend the action. The court disregarded the defendants’ filings because the corporation appeared without counsel and Gill’s filing did not comply with Federal Rule of Civil Procedure 8. The court granted the defendants thirty days to file responsive pleadings, directed the clerk to provide Gill with an answer form, and continued the scheduling conference.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Stanley A. Boone                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                             |
| DECIDED               | March 6, 2025                                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 1:24-cv-01260-KES-SAB                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | After defendants filed documents labeled as separate statements of disputed material facts and supporting evidence in support of summary judgment, the plaintiff sought entry of default. The clerk entered default against both defendants. The court sua sponte considered whether the filings constituted responsive pleadings and whether the defaults should be set aside. |
| STANDARD OF REVIEW    | An entry of default may be set aside for good cause under Federal Rule of Civil Procedure 55(c). The court also evaluated the filings for compliance with Federal Rule of Civil Procedure 8(b) and applicable local rules.                                                                                                                                                      |
| PRECEDENTIAL VALUE    | unpublished district court order; persuasive authority only                                                                                                                                                                                                                                                                                                                     |

TOPICS

- default
- pleadings
- civil procedure
- summary judgment
- commercial litigation

## PRACTICE AREAS

civil procedure

commercial litigation

corporate law

## QUESTIONS PRESENTED

1. Whether the clerk's entries of default should be set aside for good cause when a pro se defendant's improperly titled filing clearly denied allegations and indicated an intent to defend.
2. Whether SBFS Trucking Inc. could appear through Defendant Gill rather than through licensed counsel.
3. Whether the defendants' separate statements should be disregarded because they were not proper motions under Federal Rule of Civil Procedure 56 or Local Rule 230 and did not comply with Federal Rule of Civil Procedure 8(b).

## HOLDINGS

1. The entries of default against SBFS Trucking Inc. and Barinder Singh Gill were set aside because good cause existed under Federal Rule of Civil Procedure 55(c).
2. SBFS Trucking Inc. may not proceed pro se or be represented by Defendant Gill unless he is a licensed attorney; the corporation must appear through counsel.
3. Gill's February 28, 2025 filing was disregarded because it did not comply with Federal Rule of Civil Procedure 8(b)'s requirements for responding to a complaint.
4. The defendants' separate statements of disputed material facts and supporting evidence were disregarded because no summary-judgment motion had been filed and the documents did not comply with Federal Rule of Civil Procedure 56 or Local Rule 230.

## KEY QUOTATIONS

*“Given Defendant Gill’s pro se status and an apparent intent to defend this matter, the Court finds good cause to set aside the Clerk’s entries of default” (at 3)*

*“A corporation or other entity may appear only by an attorney.” (at 3)*

*“in responding to a complaint, a party must: “(A) state in short and plain terms its defenses to each claim asserted against it; and (B) admit or deny the allegations asserted against it by an opposing party.”” (at 5)*

## FACTUAL BACKGROUND

BMO Bank sued SBFS Trucking Inc. and Barinder Singh Gill. After service, Gill filed a document that denied certain allegations and stated that it was a proposed answer, although the document was captioned as a separate statement supporting summary judgment. Gill also signed a similar filing on behalf of SBFS Trucking Inc., but there was no indication that he was a licensed attorney. The clerk entered default after BMO argued that the filings were not answers.

## PROCEDURAL HISTORY

BMO Bank N.A. filed a complaint against SBFS Trucking Inc. and Barinder Singh Gill on October 16, 2024. The defendants were served on February 6, 2025, and filed documents on February 27 or 28 that purported to support summary judgment but also contained denials of allegations. The clerk entered default on March 5, 2025. The court set aside the entries of default, disregarded the defendants' filings as procedurally improper, granted thirty days to file responsive pleadings, required SBFS Trucking Inc. to obtain counsel, and continued the scheduling conference.

## DISPOSITION

other

## CASES CITED

- D-Beam Ltd. P'ship v. Roller Derby Skates, Inc., 366 F.3d 972, 973-74 (9th Cir. 2004)
- Caveman Foods, LLC v. jAnn Payne's Caveman Foods, LLC, No. CV 2:12-1112 WBS DAD, 2015 WL 6736801, at \*2 (E.D. Cal. Nov. 4, 2015)
- Davis v. Hollins Law, 25 F. Supp. 3d 1292, 1298 n.5 (2014)