

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Allia Allia, et al. v. Timothy Percy Bussman, et al.

Allia · No. 23-cv-03948-RMI · Decided October 27, 2025

SUMMARY

The court granted plaintiffs’ motion to strike Humboldt Heals’ answer because the limited liability company was unrepresented by counsel in federal court. The court directed the Clerk to enter default against Humboldt Heals and ordered plaintiffs to file a motion for default judgment under Federal Rule of Civil Procedure 55(b) within 60 days.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Robert M. Illman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 27, 2025
DOCKET	23-cv-03948-RMI
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for summary judgment against the remaining defendants and moved to strike Humboldt Heals’ answer because Humboldt Heals, a limited liability company, was unrepresented after its counsel withdrew. The court granted the motion to strike, directed the Clerk to enter default against Humboldt Heals, and directed plaintiffs to file a motion for default judgment under Federal Rule of Civil Procedure 55(b).
PRECEDENTIAL VALUE	Unknown; district court order with no stated precedential status.
PARTIES	Allia Allia, et al. v. Timothy Percy Bussman, et al.

TOPICS

- default
- pleadings
- limited liability companies
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- limited liability companies

QUESTIONS PRESENTED

1. Whether the court could strike a limited liability company's answer when the company failed to obtain counsel after its attorney withdrew.
2. Whether default should be entered against the limited liability company after its answer was stricken for failure to appear through counsel.

HOLDINGS

1. A limited liability company may not appear in federal court except through counsel admitted to practice before the court.
2. The court may strike the answer of an unrepresented limited liability company and direct entry of default when the company fails to obtain counsel after counsel's withdrawal.

KEY QUOTATIONS

"Defendant Humboldt Heals is a limited liability company, so it cannot appear in federal court except by counsel." (at 1)

"Additionally, since Humboldt Heals' answer has been stricken, the Court DIRECTS the Clerk to enter default as to Humboldt Heals." (at 2)

FACTUAL BACKGROUND

Humboldt Heals is a limited liability company whose counsel withdrew from the case. After the withdrawal, no counsel appeared on Humboldt Heals' behalf, and the company did not oppose plaintiffs' motion or appear through counsel at the hearing.

PROCEDURAL HISTORY

Amelia Burroughs, counsel of record for Humboldt Heals, was permitted to withdraw on April 2, 2025. Humboldt Heals did not obtain substitute counsel, did not oppose plaintiffs' motion, and did not appear through counsel at the October 21, 2025 hearing. The court struck Humboldt Heals' answer and directed entry of default, but required plaintiffs to separately move for default judgment.

DISPOSITION

other

CASES CITED

- Rowland v. California Men's Colony, 546 U.S. 194, 201-02 (1993)
- M.O.R.E., LLC v. United States, No. C 12-3609 PJH, 2012 WL 4902802, at *4 (N.D. Cal. Oct. 15, 2012)
- United States v. High Country Broadcasting Co., 3 F.3d 1244, 1245 (9th Cir. 1993)
- TeleVideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 916 (9th Cir. 1987)

- Coastal Environmental Rights Foundation v. Aztec Perlite Co., Inc., No. 24-cv-385-RSH-SBC, 2024 WL 4520350, at *3 (S.D. Cal. Oct. 16, 2024)
- Girty v. Paradigm Collection LLC, No. 4:23-CV-03239-KAW, 2025 WL 1455817, at *1 (N.D. Cal. May 21, 2025)

OPINION

Allia

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 EUREKA DIVISION

7 8 ALLIA ALLIA, et al., Case No. 23-cv-03948-RMI 9 Plaintiffs,

ORDER GRANTING PLAINTIFFS’

10 v. MOTION TO STRIKE HUMBOLDT

HEALS’ ANSWER AND ORDER

11 TIMOTHY PERCY BUSSMAN, et al., DIRECTING CLERK TO ENTER

DEFAULT

12 Defendants. Re: Dkt. No. 57 13 14 On September 2, 2025, Plaintiffs filed a motion for
summary judgment against both 15 remaining Defendants, as well as a motion to strike Defendant
Humboldt Heals’ answer because 16 Humboldt Heals is an unrepresented corporation. (Pl.’s Mot.,
Dkt. 57 at 9.) Plaintiff also requested 17 that “a default judgment should be entered against
[Humboldt Heals] for the same reasons and 18 because it has repeatedly been in violation of Local
Rul 3-9 as a corporation/entity being 19 unrepresented.” Id. at 2. Defendant Humboldt Heals’
opposition was due on September 16, 2025. 20 No opposition has been filed, and no one appeared
on Humboldt Heals’ behalf at the hearing held 21 on October 21, 2025. 22 Defendant Humboldt
Heals is a limited liability company, so it cannot appear in federal 23 court except by counsel. See
Rowland v. Cal. Men’s Colony, 546 U.S. 194, 201-02 (1993); see 24 also M.O.R.E., LLC v.
United States, No. C 12-3609 PJH, 2012 WL 4902802, at *4 (N.D. Cal. 25 Oct. 15, 2012) (“a
limited liability company cannot appear in propria persona”); Civil Local Rule 26 3-9(b) (“A
corporation, unincorporated association, partnership or other such entity may appear 27 only
through a member of the bar of this Court.”). On April 2, 2025, the court granted Ms. Amelia 1
Burroughs’ motion to withdraw as counsel of record for Humboldt Heals. (Dkt. 55 at 1.) To date, 2
|| and since Ms. Burroughs’ withdrawal, Humboldt Heals has not had counsel appear in court on its
3 || behalf. 4 Accordingly, the court GRANTS Plaintiffs’ motion to strike Defendant Humboldt
Heals’ 5 answer, and the answer (Dkt. 10) is STRICKEN. Additionally, since Humboldt Heals’
answer has 6 been stricken, the Court DIRECTS the Clerk to enter default as to Humboldt Heals.
Here, default is 7 appropriate because the court granted Ms. Burroughs’ motion to withdraw in

May, and Defendant 8 Humboldt Heals failed to obtain counsel. See *United States v. High Country Broad. Co.*, 3 F.3d 9 1244, 1245 (9th Cir. 1993) (“perfectly appropriate” for district court to strike answer and enter 10 || default judgment against corporation when it failed to retain counsel); *TeleVideo Sys., Inc. v. 11 Heidenthal*, 826 F.2d 915, 916 (9th Cir. 1987) (determining that striking an answer and entering 12 || default judgment are within a court’s inherent powers); see also *Coastal Env’t Rts. Found. v. Aztec 5 13 || Perlite Co., Inc.*, No. 24-cv-385-RSH-SBC, 2024 WL 4520350, at *3 (S.D. Cal. Oct. 16, 2024) 14 || (struck answer and entered default sua sponte under court’s inherent powers); *Girty v. Paradigm 3 15 Collection LLC*, No. 4:23-CV-03239-KAW, 2025 WL 1455817, at *1 (N.D. Cal. May 21, 2025) a 16 || (finding default appropriate where defendant, a limited liability company, failed to obtain counsel 3 17 after counsel’s withdrawal). Given the passage of time, it appears unlikely that Defendant 18 Humboldt Heals will be obtaining counsel, which means that it cannot defend itself in this case. 19 Plaintiffs are directed to file a motion for default judgment in accordance with Rule 55(b) 20 || within 60 days of the Clerk of the Court entering default against Defendant. 21 IT IS SO ORDERED. 22 Dated: October 27, 2025 23

* RSBERT M. ILLMAN

6 United States Magistrate Judge 27 28