

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)

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