

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Triosim Corporation v. Somarakis Inc., et al.

Triosim · No. 24-CV-382 · Decided December 2, 2025

SUMMARY

The court denied John Somarakis’s motions to set aside a default judgment and stay damages proceedings because he could not represent Somarakis, Inc. pro se and the corporation’s motions were therefore not properly before the court. The court also struck his purported appearance on behalf of Somarakis, Inc. and denied relief as to Somarakis individually because no default judgment had been entered against him and the circumstances did not establish good cause for a stay or extension of time.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 2, 2025
DOCKET	24-CV-382
DISPOSITION	other
PROCEDURAL POSTURE	John Somarakis, appearing pro se and purporting also to represent Somarakis, Inc., moved under Federal Rules of Civil Procedure 60(b)(3) and 60(b)(6) to set aside a default judgment and moved to stay damages proceedings. The court denied both motions and struck his purported appearance on behalf of Somarakis, Inc.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Triosim Corporation v. Somarakis Inc., John Somarakis, SI Post, Inc.

TOPICS

- default judgment
- default
- civil procedure
- corporate law
- commercial litigation

PRACTICE AREAS

- civil procedure
- corporate law
- commercial litigation

QUESTIONS PRESENTED

1. Whether John Somarakis, a nonlawyer appearing pro se, could represent Somarakis, Inc. in seeking relief from default judgment and a stay.
2. Whether John Somarakis was entitled to relief from default judgment or a stay in his individual capacity when no default judgment had been entered against him.
3. Whether the circumstances established good cause for a stay or an extension of time to retain counsel.

HOLDINGS

1. A corporation may litigate in federal court only through counsel licensed to practice there; a corporate principal or shareholder may not represent the corporation pro se.
2. John Somarakis was not entitled to relief from default judgment or a stay in his individual capacity because the court had not entered default or default judgment against him and there was no individual proceeding to stay.
3. The defendants' failure to obtain counsel for nearly a year and failure to participate in four noticed status conferences did not constitute good cause for a stay or extension of time.

KEY QUOTATIONS

“A “corporation” is an abstraction, and abstractions cannot appear pro se.” (772 F.2d at 1427)

“corporations must appear by counsel or not at all.” (772 F.2d at 1427)

FACTUAL BACKGROUND

Defense counsel represented Somarakis, Inc., John Somarakis, and SI Post, Inc., but withdrew in December 2024. The court instructed the defendants to obtain new counsel, yet they did not do so and failed to participate in four subsequent telephonic status conferences. The court entered default judgment as to liability against Somarakis, Inc. and SI Post, Inc., but not against John Somarakis individually. Somarakis later attempted to appear for himself and Somarakis, Inc. and sought to set aside the corporate defendants' default judgment and stay proceedings.

PROCEDURAL HISTORY

Triosim filed an amended complaint, which the defendants answered through counsel. After defense counsel withdrew and the defendants failed to obtain replacement counsel or participate in proceedings, the court struck the answers of Somarakis, Inc. and SI Post, Inc., entered default against those entities, and entered default judgment against them as to liability. John Somarakis then filed motions seeking relief from that judgment and a stay, although default judgment had not been entered against him individually.

DISPOSITION

other

CASES CITED

- United States v. Hagerman, 545 F.3d 579, 581 (7th Cir. 2008)
- Rowland v. California Men's Colony, 506 U.S. 194, 202 (1993)
- Scandia Down Corp. v. Euroquilt, Inc., 772 F.2d 1423, 1427 (7th Cir. 1985)

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