

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN TRIOSIM CORPORATION, Plaintiff, v. Case No. 24-CV-382 SOMARAKIS INC, et al., Defendants. DECISION AND ORDER Triosim Corporation brought this action against Somarakis, Inc., John Somarakis, and SI Post, Inc. Attorney Christopher Meuler appeared on behalf of all the defendants and answered the complaint on May 23, 2024.

(ECF Nos. 4, 5.) Triosim filed an amended complaint on June 13, 2024 (ECF No. 10), which the defendants answered on July 31, 2024 (ECF No. 15). On December 13, 2024, Attorney Meuler moved to withdraw as counsel. (ECF No. 26.)

On December 17, 2024, the court granted the motion, instructed the defendants to obtain new counsel, and set a telephonic status conference. (ECF No. 28.) The case was then reassigned to this court. The defendants did not obtain counsel and did not participate in further proceedings.

Therefore, on October 6, 2025, the court granted Triosim's motion to strike the answer of Somarakis, Inc. and SI Post, Inc., to find them in default, and to enter default judgment against them as to liability. (ECF No. 45.) Triosim, however, did not seek, and thus the court did not grant, default as to John Somarakis individually.

On December 1, 2025, John Somarakis filed four sets of documents: a "Notice of Appearance (Pro Se – Limited Purpose)" (ECF No. 48); "Motion to Set Aside Default Judgment Under Fed. R. Civ. P. 60(b)(3) and 60(b)(6) and Request for Stay" (ECF No. 49); "Motion to Stay Damages Proceedings" (ECF No. 50); and "Updated Declaration of John Somarakis in Support of Motion to Set Aside Default Judgment and Request to Stay (ECF No. 51).

In his notice of appearance, John Somarakis states: I, John Somarakis, hereby enter my appearance in this action both individually and in my capacity as CEO and authorized corporate representative of Somarakis, Inc., for the limited purpose of responding to the Court's default judgment proceedings and seeking relief under Fed. R. Civ. P. 55(c) and 60(b). (ECF No. 48.)

An individual may represent himself in federal court, see 28 U.S.C. § 1654, but "[a] corporation is not permitted to litigate in a federal court unless it is represented by a lawyer licensed to practice in that court." United States v. Hagerman, 545 F.3d 579, 581 (7th Cir. 2008) (citing 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)). This rule is categorical; not even a principal or sole stockholder of a small corporation may represent that corporation. See *id.* This rule arises from the fact that a corporation is an artificial entity legally distinct from its principals and shareholders. See *Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7th Cir. 1985) (“A ‘corporation’ is an abstraction, and abstractions cannot appear *pro se*.”).

As a result, the individuals behind the corporation enjoy limited liability but those benefits come with certain burdens, one of which is the requirement that “corporations must appear by counsel or not at all.” *Scandia Down Corp.*, 772 F.2d at 1427; see also *United States v. Hagerman*, 545 F.3d 579, 581-82 (7th Cir. 2008).

Because John Somarakis cannot represent Somarakis, Inc., the motions he purportedly filed on its behalf are not properly before the court. Therefore, the motion to set aside the default judgment (ECF No. 49) and to stay proceedings regarding damages (ECF No. 50) are denied. Insofar as John Somarakis purports to appear on behalf of Somarakis, Inc., that appearance is stricken.

Although John Somarakis may represent himself, the court has not granted default judgment as to him personally. Therefore, there is no default to vacate or proceeding to stay. Insofar as John Somarakis is seeking a stay regarding the proceedings pending against him personally or for additional time to retain counsel, the motion is denied. It has been nearly a year since the court granted defense counsel’s motion to withdraw and instructed the defendants to retain new counsel within 60 days.

(ECF No. 28.) In the past year the court has held four telephonic status conferences. Despite the Clerk mailing notice of these conferences to John Somarakis, he failed to participate. These circumstances do not present good cause for any stay or an extension of time. SO ORDERED. Dated at Green Bay, Wisconsin this 2nd day of December, 2025. s/ Byron B. Conway BYRON B. CONWAY U.S. District Judge