

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

**Girty v. Paradigm Collection LLC**

Girty · No. 4:23-cv-03239-KAW · Decided May 21, 2025

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SUMMARY

The United States District Court for the Northern District of California granted Plaintiff John Girty's motion to strike Paradigm Collection LLC's answer because the limited liability company remained unrepresented after its counsel withdrew. The court directed the Clerk to enter default against Paradigm Collection LLC, vacated the remaining case deadlines, and ordered Plaintiff to file a motion for default judgment within 60 days after entry of default.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7  
JOHN GIRTY, Case No. 4:23-cv-03239-KAW 8 Plaintiff, ORDER GRANTING PLAINTIFF'S  
MOTION TO STRIKE ANSWER AND 9 v. ORDER DIRECTING CLERK TO ENTER  
DEFAULT; ORDER 10 PARADIGM COLLECTION LLC, et al., VACATING CASE  
DEADLINES 11 Defendants. Re: Dkt. No. 69 12 13 On June 29, 2023, Plaintiff John Girty filed  
this employment action against Defendant 14 Paradigm Collection LLC. Plaintiff filed the second  
amended complaint on December 22, 2023.

15 (Second Am. Compl., Dkt. No. 29.) 16 On May 28, 2024, Defendant filed an answer to the  
operative complaint. (Def.'s Answer, 17 Dkt. No. 48.) On July 3, 2024, the Court issued a case  
management and pretrial order, which set 18 the trial date for June 9, 2025. (Dkt. No. 53.)

On July 29, 2024, defense counsel Jon H. Freis filed 19 a motion to withdraw as counsel for  
Defendant. (Dkt. No. 56.) On September 5, 2024, the Court 20 granted Mr. Freis's motion to  
withdraw as counsel, and Defendant was given until November 4, 21 2024, to obtain new counsel  
and have counsel file a notice of appearance. (Dkt. No. 62 at 4.)

To 22 date, Defendant has not had counsel appear in court on its behalf. 23 On March 17, 2025,  
Plaintiff filed a motion to strike Defendant's answer because 24 Defendant is an unrepresented  
corporation. (Pl.'s Mot., Dkt. No. 69 at 2.) Plaintiff also requested 25 that the Court direct the  
Clerk of Court to enter default. Id. Defendant's opposition was due on 26 March 31, 2025.

No opposition has been filed, and the Court finds this matter suitable for 27 resolution without  
oral argument pursuant to Civil Local Rule 7-1(b). 1 counsel. See *Rowland v. Cal. Men's Colony*,  
546 U.S. 194, 201-02 (1993); see also *M.O.R.E., LLC 2 || v. United States*, No. C 12-3609 PJH,

2012 WL 4902802, at \*4 (N.D. Cal. Oct. 15, 2012) (“a 3 limited liability company cannot appear in propria persona”); Civil Local Rule 3-9(b) (“A 4 || corporation, unincorporated association, partnership or other such entity may appear only through 5 a member of the bar of this Court.”).

6 Accordingly, the Court GRANTS Plaintiff’s motion to strike Defendant’s answer, and the 7 answer (Dkt. No. 48) is STRICKEN. Additionally, since Defendant’s answer has been stricken, 8 the Court DIRECTS the Clerk to enter default as to Defendant Paradigm Collection LLC. 9 Here, default is appropriate because the Court granted Attorney Freis’s motion to withdraw 10 || in September, and Defendant failed to obtain counsel despite being ordered to do so.

See United 11 States v. High Country Broad. Co., 3 F.3d 1244, 1245 (9th Cir. 1993) (“perfectly appropriate” for 12 || district court to strike answer and enter default judgment against corporation when it failed to 5 13 retain counsel); Tele Video Sys., Inc. v. Heidenthal, 826 F.2d 915, 916 (9th Cir. 1987) (determining 14 || that striking an answer and entering default judgment are within a court’s inherent powers); see 3 15 also Coastal Env’t Rts.

Found. v. Aztec Perlite Co., Inc., No. 24-cv-385-RSH-SBC, 2024 WL 16 4520350, at \*3 (S.D. Cal. Oct. 16, 2024) (struck answer and entered default sua sponte under 3 17 court’s inherent powers). Given the passage of time, it appears unlikely that Defendant will be 18 || obtaining counsel, which means that it cannot defend itself in this case. 19 Finally, the Court VACATES all remaining case deadlines, and Plaintiff is ordered to file 20 || his motion for default judgment within 60 days of the Clerk of the Court entering default against 21 Defendant.

22 IT IS SO ORDERED. 23 || Dated: May 21, 2025: 25 United States Magistrate Judge 26 27 28