

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

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.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 21, 2025
DOCKET	4:23-cv-03239-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to strike Defendant's answer and requested entry of default because Defendant, a limited liability company, was no longer represented by counsel.
STANDARD OF REVIEW	The Court resolved the motion without oral argument under Civil Local Rule 7-1(b) and exercised its inherent authority to strike the answer and direct entry of default.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation

TOPICS

- default
- pleadings
- civil procedure
- corporate law

PRACTICE AREAS

- civil procedure
- commercial litigation
- corporate law

QUESTIONS PRESENTED

1. Whether the Court should strike a limited liability company's answer when the entity is unrepresented by counsel.
2. Whether the Court should direct the Clerk to enter default after striking the answer because the entity failed to obtain counsel despite a court order.

HOLDINGS

1. A limited liability company may not appear in propria persona and may appear in the district court only through counsel; therefore, the Court properly struck Paradigm Collection LLC's answer after its counsel withdrew and no replacement counsel appeared.
2. Default was appropriate because Defendant failed to obtain counsel after its attorney withdrew and after the Court ordered it to do so; the Court therefore directed the Clerk to enter default against Paradigm Collection LLC.

KEY QUOTATIONS

“a limited liability company cannot appear in propria persona” (at 1)

“perfectly appropriate” for district court to strike answer and enter default judgment against corporation when it failed to retain counsel” (at 2)

FACTUAL BACKGROUND

Paradigm Collection LLC was sued in an employment action and initially filed an answer through counsel. After the Court granted defense counsel's motion to withdraw, Defendant was given until November 4, 2024, to obtain new counsel and file a notice of appearance. Defendant failed to obtain counsel, and Plaintiff moved to strike the answer and direct the Clerk to enter default.

PROCEDURAL HISTORY

Plaintiff filed an employment action on June 29, 2023, and filed a second amended complaint on December 22, 2023. Defendant answered on May 28, 2024. After the Court permitted defense counsel to withdraw and ordered Defendant to obtain new counsel by November 4, 2024, no counsel appeared. Plaintiff moved to strike the answer and enter default; Defendant filed no opposition.

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)
- Tele Video 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)

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