

**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

OPINION

Girty v. Paradigm Collection LLC

PER CURIAM.

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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