

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

PREMIUM SPORTS, INC. :  
 :  
 v. : C.A. No. 14-474L  
 :  
 EUGENIO GIBAU, et al. :

**MEMORANDUM AND ORDER**

Pending before me for determination (28 U.S.C. § 636(b)(1)(A)) is Plaintiff's Motion to Strike Purported Answer of Defendant Unik, Inc. d/b/a The Tropical Restaurant, a/k/a Tropical. (collectively "the Corporate Defendant"). (Document No. 11). No objection to the Motion was filed.

Plaintiff commenced this action on October 30, 2014 alleging that Defendants violated 47 U.S.C. § 605 or 553 and 17 U.S.C. § 101, et. seq. for willfully and illegally receiving and exhibiting the 2014 Benfica TV match scheduled for April 20, 2014 for direct or indirect commercial advantage and private financial gain. (Document No. 11-1 at pp. 1-2). Plaintiff served the individual Defendant, Eugenio Gibau on January 13, 2015 and also served the Corporate Defendant by serving Mr. Gibau, who is owner and officer of the Corporate Defendant. Thereafter, Mr. Gibau appeared on behalf of himself, pro se, and attempted to file an Answer on behalf of the Corporate Defendant. (Document No. 9). Plaintiff is before the Court seeking to have the Answer Mr. Gibau filed on behalf of the Corporate Defendant, stricken.

Plaintiff argues that the purported Answer violates L.R. Gen 205(a)(3). Plaintiff's argument is well-founded. Local Rule General 205(a)(3) states "[a] corporation, partnership, association or other entity may not appear pro se." In Beaudreault v. ADF, Inc., 635 F. Supp. 2d 121, 122 (D.R.I.

2009), the Court noted that the prohibition on allowing a corporation to appear pro se is “deeply entrenched in both legal theory and precedent.” The Local Rule is well-established and supported by case law. In order to appear and answer a complaint in federal court, a corporate entity must retain legal counsel to do so on its behalf. A non-lawyer corporate officer or shareholder is not authorized to do so. Further, the Corporate Defendant has not filed an Objection to the Motion. Accordingly, Plaintiff’s Motion to Strike (Document No. 11) is GRANTED.

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
April 2, 2015