

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN LABORERS HEALTH FUND,
WISCONSIN LABORERS PENSION FUND,
WISCONSIN LABORERS DISTRICT COUNCIL
and MICHAEL R. RYAN,

Plaintiff,

v.

MEMORANDUM and ORDER
06-C-631-S

SEE CORP ENTERPRISES, LTD.,

Defendant.

Plaintiffs move to strike defendant's answer in the above entitled matter because it was not signed by an attorney. Defendant has not responded to this motion.

MEMORANDUM

Rule 11(a), Federal Rules of Civil Procedure, requires that all pleadings, motions and other papers be signed by an attorney or party. A corporation appearing in federal court may only do so through a licensed attorney. See Operating Engineers Local 139 Health Benefit Fund, et al. v. Rawson Plumbing, Inc., 130 F. Supp. 2d 1022, 1023 (E.D. Wis. 2001).

The letter filed by defendant corporation in this matter was signed by its president, Thomas L. Seelinger, who is not an attorney. Plaintiffs' counsel notified defendant that its response did not meet the requirements of Rule 11 which requires the signature of the attorney of record. Defendant did not correct its

explanation because there apparently is no attorney of record nor an answer. Instead, the corporation is explaining that this corporation is defunct and the reasons therefore, a practice recognized in small claims court since the beginning of time. Accordingly, the response is recognized by the Court as a denial of liability and the case may continue pursuant to this Court's Preliminary Pre-Trial Conference Order dated January 9, 2007.

ORDER

IT IS ORDERED that for the reasons stated above plaintiffs' motion to strike defendant's defective answer is DENIED.

Entered this 2nd day of February, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge