

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

ALLSEASON ENTERPRISES, LLC

Plaintiff,

v.

MYKYTA MELNIK, LLC, *et al.*,

Defendants.

Civil Action No. 24-CV-921

(Judge Colville)

Jury Trial Requested

MOTION TO STRIKE *PRO SE* PAPERS filed at ECF No. 54

Introduction

Plaintiff filed its complaint on July 2, 2024, alleging various claims against the Defendants in Schedule A, including copyright infringement, unfair competition, and trade dress infringement. Plaintiff moved for and obtained a temporary restraining order, amended temporary restraining order, and preliminary injunction which, after a show cause hearing, was entered on August 14, 2024, against all the Defendants in Schedule A.

On or about August 13, 2023, Defendant Vigornova filed a self-styled motion seeking to lift the restraining order.¹ The motion, reciting that it is filed “through undersigned counsel” was likely ghost-written by an attorney who has not entered their appearance, but there was no counsel signature. Legal counsel did not enter their appearance for Vigornova, Inc. Since VigorNova has indicated that it is a corporation in the motion it filed without legal counsel’s

¹ Throughout the motion and on the envelope the defendant identified in the Complaint and the supporting papers as Vigornova refers to itself as Vigornova, Inc.

signature (see ECF Nos. 54 (motion) and 54-1 (envelope)), Plaintiff now moves to strike these papers from the record.

Legal Analysis

It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.” *Dougherty v. Snyder*, 469 Fed.Appx. 71, 72 (3d Cir. 2012) (quoting *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-02, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993)); *see also Goldstein*, 677 Fed.Appx. at 798 (“Corporations, including partnerships, may appear in federal court only through counsel.”). “The same applies to LLCs, even those with only a single member, because even single-member LLCs have a legal identity separate from their members.” *Id.*

Goldstein v. Roxborough Real Est., LLC, No. 15-3835, 2018 WL 504398, at *3 (D.N.J. Jan. 22, 2018), *aff'd*, 741 F. App'x 143 (3d Cir. 2018).

Chief Judge Hornak of our district has re-iterated the rule that “...any party that is not a natural person must be represented by counsel, who must enter an appearance on their behalf on the docket of this Court...” *Doggie Dental, Inc. v. CDOFFICE, et al.*, No. 21-271 (WD Pa., April 15, 2021)(ECF No 69)(copy of text order filed herewith as Exhibit 1). *See also Pawesome Pet Products LLC v. Colorflowers, et al*, No. 22-629 (W.D. Pa, July 8, 2022)(ECF No. 82)(copy of *sua sponte* text order filed herewith as Exhibit 2)(“None of the papers are compliant with the provisions of Fed. R. Civ. P. 11 (a), which requires all pleadings to bear the signature of the attorney representing the pleader, or the signature of an unrepresented party. Further, settled law provides that a non-lawyer may appear only on behalf of themselves if they are a natural person.”)

Judge Nora Barry Fischer of this district has also stricken papers such *pro se* papers, *sua sponte*. *Airigan Solutions, LLC v. Bufujiugan, et al.*, No. 18-1330 (W.D. Pa., February 27,

2019)(ECF No. 64)(copy of order filed herewith as Exhibit 3) (“ [I]t is well-settled that a corporate entity must appear in federal court via counsel of record and cannot appear pro se. (‘Corporations, including limited partnerships, may appear in federal court only through counsel.’) (citations omitted)

Therefore, the *pro se* papers signed by the non-lawyer Lopez for the Vigornova violate the law and should be stricken.

Conclusion

Here, the defendant, Vigornova, has filed a motion to lift the temporary restraining order, signed by Mario L. Lopez. However, Lopez has not indicated that he is legal counsel. Since defendant Vigornova has identified as a corporation, it *must* be represented by legal counsel. The motion appears to be ghost-written by an attorney who has not entered their appearance. It was not signed by counsel. Consequently, the motion filed by Vigornova, Inc. should be stricken from the docket and have no further effect in the case.

An appropriate proposed order is filed herewith.

Respectfully submitted,

Dated: August 19, 2024

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