

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YIWU BAIMEI ELECTRONIC COMMERCE
CO., LTD.,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 25-cv-09810

Judge Jorge L. Alonso

Magistrate Judge Gabriel A. Fuentes

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT NO. 34 VOKING JEWELRY'S
MOTION TO DISSOLVE PLAINTIFF'S TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION [D.E. 46] AND ANSWER TO THE COMPLAINT [D.E.
55] AND INCORPORATED MEMORANDUM OF LAW**

COMES NOW, Plaintiff, by and through the undersigned counsel, and respectfully requests for this Court to strike Defendant No. 34 VokingJewelry's ("Defendant") Motion to Dissolve Plaintiff's Temporary Restraining Order (TRO) and Preliminary Injunction (PI) [D.E. 46] and Answer to the Complaint [D.E. 55]. In support, Plaintiff states as follows:

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On August 18, 2025, Plaintiff filed its Complaint alleging a violation of 15 U.S.C §1114 (trademark infringement), 15 U.S.C. § 1125(a) (false designation of origin), 815 ILCS § 510, et seq. (violation of the Illinois Uniform Deceptive Trade Practices Act), and 17 U.S.C §101 et seq. (copyright infringement). [D.E. 1].

2. On August 28, 2025, Plaintiff filed its Motion for TRO, including a Temporary Injunction and Temporary Asset Restraint. [D.E. 14]. In its Motion, Plaintiff relied on the Declaration of Jun Wu, which includes screenshots of the infringing e-commerce store listings.

[D.E. 9, 10-4]. The evidence submitted for Defendant VokingJewelry is attached hereto as Exhibit 1 to the Declaration of Jun Wu. [Exhibit A] (hereinafter, “the Wu Declaration”). This Court granted Plaintiff’s Motion on September 2, 2025. [D.E. 17].

3. On September 8, 2025, Plaintiff moved to extend the TRO by a period of fourteen (14) days. [D.E. 22]. This Court granted this Motion on September 11, 2025. [D.E. 25].

4. On September 25, 2025, Plaintiff filed its Motion for a Preliminary Injunction. [D.E. 34].

5. On September 29, 2025, Li Yongyan made a pro se appearance on behalf of Defendant. [D.E. 45]. On the same day, Li Yongyan filed a Motion to Dissolve Plaintiff’s TRO and PI. (hereinafter, Defendant’s “Motion to Dissolve the PI”) [D.E. 46]

6. On September 30, 2025, this Court entered a Minute Order granting Plaintiff’s Motion for PI. [D.E. 43].

7. On October 7, 2025, Li Yongyan filed an Answer to the Complaint (hereinafter, Defendant’s “Answer”) on behalf of Defendant. [D.E. 55].

8. On October 16, 2025, this Court held a Status Hearing where this Court entered a deadline of November 6, 2025 for Plaintiff to respond to Defendant’s Motion to Dissolve the PI. [D.E. 63].

9. Plaintiff respectfully moves to strike the pro se filings, specifically Defendant’s Motion to Dissolve the PI [D.E. 46] and Answer [D.E. 55].

II. SUMMARY OF THE ARGUMENT

This memorandum will discuss the deficiencies in Defendant’s Motion to Dissolve the PI [D.E. 46] and Answer [D.E. 55]. (collectively “Defendant’s filings” hereinafter) which support striking these filings. Corporations are not permitted to appear pro se before a federal court.

Defendant's filings violate basic pleading requirements such as Rules 8 and 11, as Defendant's filings lack coherent legal argument, legal citations and confuses the causes of action in this case. Defendant's filings also violate the form requirements of Fed. R. Civ. P. 10(b) and Local Rule 10.1. Finally, permitting this Defendant to appear pro se will result in unnecessary litigation and waste judicial resources. As a result, this Court should strike Defendant's filings.

III. ARGUMENT

a) Corporations are not permitted to appear pro se before a federal court.

In this case, Defendant No. 34 is an e-commerce storefront run by a business. The evidence submitted for Defendant VokingJewelry is attached hereto as Exhibit 1 to the Declaration of Jun Wu. That evidence shows that VokingJewelry shadows the business name "ChengDuWeiZhengShuMaKeJiYouXianGongSi." (hereinafter, "the Company") [Wu Dec. at Exhibit 1]. Exhibit 2 to the Declaration of Jun Wu further shows that this company is a stock sharing entity with two stockholders, Wu Lijin and Li Yunhong, and not a sole proprietorship.

Defendant, through Li Yongyan, represents as follows:

- 1) I, Li Yongyan, am the actual operator of VokingJewelry... I am filing this motion to dissolve the Temporary Restraining Order (TRO) and Preliminary Injunction (PI) against my store. [D.E. 46 at p. 1].
- 2) Defendant Li Yongyan, operating the Walmart store VokingJewelry, respectfully submits this Answer to the Complaint filed by Plaintiff Yiwu Baimei Electronic Commerce Co., Ltd. [D.E. 55 at p. 1].
- 3) My name is LI YONGYAN, and I am the operator of VokingJewelry Store. [D.E. 61 at p. 1].

However, the attached evidence demonstrates the claimed movant is not associated with

the company. [Wu Dec. at Exhibit 2].

It is well-established that “[a] corporation is not permitted to litigate in a federal court unless it is represented by a lawyer licensed to practice in that court.” *United States v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (citing *Rowland v. California Men's Colony*, 506 U.S. 194, 202, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993); *Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7th Cir. 1985)); *see also United States v. Certain Real Prop.*, 381 F. Supp. 3d 1007, 1008–09 (E.D. Wis. 2018); *In re IFC Credit Corp.*, 663 F.3d 315, 318 (7th Cir. 2011) (“Corporations unlike human beings are not permitted to litigate pro se.”).

This rule applies even if the corporation is owned by only a few closely related individuals or by a single person who seeks to appear on behalf of the corporation. *See, e.g., In re AT&T Fiber Optic Cable Installation Litig.*, 2010 WL 5152407, *1-2, 2010 U.S. Dist. LEXIS 132286, *9-10 (S.D. Ind. Dec. 13, 2010). “[T]he right to conduct business in a form that confers privileges, such as the limited personal liability of the owners for tort or contract claims against the business, carries with it obligations one of which is to hire a lawyer if you want to sue or defend on behalf of the entity.” *Id.* at 581-82. “Inability to litigate pro se can be thought of as part of the price for corporations' privileges.” *In re IFC Credit Corp.*, 663 F.3d 315, 318 (7th Cir. 2011). “[C]orporations must appear by counsel or not at all.” *Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7th Cir. 1985) (citing *Strong Delivery Ministry Ass'n v. Board of Appeals*, 543 F.2d 32, 33-34 (7th Cir. 1976)). As this is clearly an attempt by Defendant to circumvent the requirement for corporations to be represented by counsel, this Court should strike Defendant’s filings..

b) Defendants’ Filing Is Defective Pursuant To Fed. R. Civ. P. 11

Federal Rule of Civil Procedure 11 provides that every pleading must be signed by an

attorney or a party personally if the party is unrepresented. “Li Yongyan” has identified herself as “the actual operator” of Defendant, however she did not provide any corporate structure and uses an email address different from those registered with the platform. (D.E. 46 at p. 5; 55 at p. 3; Exhibit B, Declaration of Larry Ford Banister, II at ¶¶10-14). Notably, the entirety of the lack of verification in situations like this may be indicative of fraud or identity theft, which is frequent among counterfeiting storefronts. (See Declaration of L. Pittaway, D.E. 14-1 at ¶¶13-18). Where the identity of the filer cannot be verified and the corporate structure is not presented, this Court should not consider any part of the filing due to its violation of Fed. R. Civ. P. 11, especially in the context of crossborder intellectual property enforcement actions where identity theft and subterfuge are commonplace. See *Camelbak Products LLC v. The Partnerships and Unincorporated Associations Identified On “Schedule A”*, 1:20-cv-01544 (N.D. Ill. January 5, 2021) (D.E. 105 at 3) (“[T]he Court does not believe that the identification card submitted in support of [defendant]’s motion to vacate the default judgment is the actual identification card for the person who owns and operates [defendant]. It is either a fake identification card, or it is someone else’s identification card.”).

c) Defendant’s Answer is Defective Pursuant To Fed. R. Civ. P. 8

Federal Rule of Civil Procedure 8(a) provides that a pleading must include a "short and plain statement of the claim showing that the pleader is entitled to relief." Federal Rule of Civil Procedure 8(b) provides that a pleading with defenses, admissions and denials must “state in short and plain terms its defenses to each claim asserted against it and admit or deny the allegations asserted against it by an opposing party.” Courts have found a violation of Fed. R. Civ. P. 8 when “it is impossible to relate the various statements in the answer to the substance of

the complaint.” *United States v. Garland*, No. 89-cv-20367, 1990 WL 304203 at *2 (N.D. Ill. Sept. 11, 1990) (Roszkowski, J.).

Regarding Defendant’s Answer, the filer does not specifically admit or deny the allegation asserted against it by Plaintiff. Nor does Defendant make a general denial of all of Plaintiff’s allegations. In entirety, the organization of the document violates basic pleading requirements of Fed. R. Civ. P. 8 in its presumptive request for relief. Over all, the filing does not provide any cognizable or standard language in short plain statements with articulable facts to determine what exactly the Defendant seeks. Plaintiff is completely unable to respond to any part of the document.

Specifically, the author is unaware of the most basic aspects of a legal filing, such as the requirements of Fed. R. Civ. P. 8, which raises a level to which the writer is pro se incompetent to proceed with legal representation on behalf of a corporation. Provided that Defendant’s filing has provided admissions such as store ownership, it would appear that the filer is not equipped to be drafting documents with legal significance. As is apparent, Defendant’s filings are improperly formatted and lack basic pleading structure. Individually and collectively, as a result of the lack of brevity and coherence, Plaintiff is unable to determine to respond accordingly and Defendant’s filings should be struck.

d) Defendant’s Filings Are Defective Pursuant To Fed. R. Civ. P. 10(b) And Local Rule 10.1

Even if this Court were to liberally construe Defendant’s Answer as a responsive pleading to the Complaint, Federal Rule of Civil Procedure 10(b) and Local Rule 10.1 require responsive pleadings to be made in numbered paragraphs. Specifically, Local Rule 10.1 provides that “Responsive pleadings shall be made in numbered paragraphs each corresponding to and stating a concise summary of the paragraph to which it is directed.”

As a matter of practice, that requirement is most often complied with by a defendant's verbatim copying of the complaint's allegations in each paragraph, followed immediately by defendant's response to that paragraph. Its purpose is obvious: to provide a self-contained pleading, so that the judicial or adversary reader can avoid the inconvenience of having to flip back and forth between two pleadings to see just what is or is not being placed at issue. But even apart from that fostering of convenience, there is no justification for any lawyer's noncompliance with such a plain directive of long standing-something that should be known by everyone practicing in this district.

State Farm Mutual Automobile Insurance Company v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001) (striking answer in its entirety).

In this case, Defendant's Answer makes no effort to state a concise summary of any paragraph of the Complaint to which it is directed, or even address the statements within the Complaint. Because Defendant's filings fail to comply with Fed. R. Civ. P. 10 and Local Rule 10.1, the filing should not be construed as a responsive pleading and stricken.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court provide the following relief:

- 1) Entry of an order striking Defendant's Motion to Dissolve the PI; [D.E. 46]
- 2) Entry of an order striking Defendant's pro se Answer; [D.E. 55]
- 3) That the Court construe the instant Motion as Plaintiff's response to Defendant's Motion to Dissolve the PI; [D.E. 46]
- 4) Any further and additional relief that the Court may deem necessary and appropriate.

(Date and Signature on the Following Page)

Respectfully Submitted this 5th of November, 2025,

/s/ L. Ford Banister, II
Bar No. 5446539
Ford Banister LLC
305 Broadway – Floor 7
New York, NY 10007
Telephone: 212-500-3268
Email: ford@fordbanister.com
Attorney for Plaintiff