

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

)	
SUSAN MILLER and BILL WARREN,)	
)	
Plaintiffs,)	
)	
v.)	Misc. No. 10-0008-CG-C
)	
WILLIAM MICHAEL STEVENS,)	
)	
Defendant.)	

ORDER

This matter is before the court on defendant’s motion for extension. (Doc. 26). Defendant requests an extension “on the time that attorneys have placed on me to respond to their motions.” (Doc 26). However, after reviewing the case file, the court finds no motions currently pending to which defendant has been ordered to respond.

The court notes that there is an imminent deadline relating to a conditional judgment entered against a company, Turning Leaf Medical, Inc., of which defendant is reportedly a member, partner or employee. The conditional judgment, which was entered on March 10, 2011, noted that it would be made absolute unless Turning Leaf Medical appears within 30 days after notice of the conditional judgment. (Doc. 25).¹ However, if it is the conditional judgment to which defendant wishes to respond, Mr. Stevens cannot respond or file any pleading on behalf of Turning Leaf Medical, Inc. which must be represented by counsel. See Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985) (“The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear pro se, and must be represented by counsel.” (citations omitted)). Corporations and partnerships are fictional legal persons that cannot appear for

¹ Alabama Code § 6-6-457 provides for the entry of a conditional judgment rather than a final judgment to give the garnishee another opportunity to answer the garnishment.

themselves personally, even where the person seeking to represent the corporation is its president and major stockholder. Id. (citations omitted). Defendant's motion requests time to hire an attorney.

Upon consideration, defendant's motion is granted to the extent that the court will give defendant 30 days to find an attorney to represent Turning Leaf Medical, Inc. The time to respond to the conditional judgment is hereby **STAYED** until **April 25, 2011**. The conditional judgment will be made absolute unless Turning Leaf Medical, Inc., appears on or before April 25, 2011, and files an Answer, under oath, to the garnishment that includes an affidavit that the person answering is the duly authorized agent of the corporation to make such answer and that he has knowledge of the facts stated therein. See ALA. CODE §§ 6-6-450, 6-6-451.

DONE and ORDERED this 23rd day of March, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE