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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 JEREMY DENTON; GINGER DENTON;) and REALITY RANCH MILITARY)  
10 CAMP, dba RRMC, formerly, REALITY) RANCH MILITARY CAMP, LLC, an  
11 Arizona limited liability company, )

No. CV 09-0011-PHX-JAT

12

Plaintiffs, )

**ORDER**

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vs. )

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15 STATE OF ARIZONA; ARIZONA) DEPARTMENT OF HEALTH  
16 SERVICES; NEIL KARNES and JANE) DOE KARNES; GREG MOODY and  
17 JANE DOE MOODY; BEN STEPLETON) and JANE DOE STEPLETON; DIANE  
18 ECKLES and JOHN DOE ECKLES;) GRAHAM COUNTY; JOHN DOE I-X  
19 and JANE DOE I-X; BLACK) CORPORATIONS I-X, )

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Defendants. )

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Pending before this Court is Defendants State of Arizona, Arizona Department of Health Services, Ben Stepleton, and Diane Eckles' Motion to Dismiss (Doc. # 7).<sup>1</sup> For the reasons that follow, the Court grants Defendants' motion to the extent that it is premised upon subject matter jurisdiction.

<sup>1</sup> Defendants Neil Karnes, Greg Moody, and Graham County have not joined in this motion to dismiss.

1 **BACKGROUND**

2 Plaintiff Reality Ranch Military Camp (“RRMC”) owned and operated a military style  
3 summer camp for boys ages 10-15. In July 2007, an Arizona Department of Health Services  
4 inspector, accompanied by officials from the Graham County Health Department, conducted  
5 an unannounced inspection of RRMC. The inspector found RRMC to be in violation of the  
6 applicable food codes, and there was also concern over the possible contamination of  
7 RRMC’s water supply. As a result, a statement of deficiencies was issued to RRMC.  
8 RRMC’s operating certificate was suspended and, eventually, RRMC’s camp closed.

9 In July 2008, Plaintiffs filed a complaint in the Maricopa County Superior Court,  
10 alleging three causes of action: 1) monetary damages under 42 U.S.C. § 1983; 2) injunctive  
11 relief under 42 U.S.C. § 1983; and 3) violations of unspecified state civil rights. In January  
12 2009, Defendants removed to this Court under 28 U.S.C. § 1441(a), and shortly thereafter,  
13 filed their Motion to Dismiss.

14 **ANALYSIS**

15 Defendants move to dismiss Plaintiffs’ complaint pursuant to Fed. R. Civ. P. 12(b)(1)  
16 for lack of subject matter jurisdiction, arguing that Plaintiffs have no standing to bring this  
17 action. In addition, Defendants seek dismissal pursuant to Fed. R.Civ. P. 12(b)(6) for failure  
18 to state a claim. The Court will analyze standing first because “[s]tanding is the threshold  
19 issue of any federal action, a matter of jurisdiction because ‘the core component of standing  
20 is an essential and unchanging part of the case-or-controversy requirement of Article III.’”  
21 *Local Nos. 175 & 505 Pension Trust v. Anchor Cap.*, 498 F.3d 920, 923 (9th Cir. 2007)  
22 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)).

23 *Plaintiff Reality Ranch Military Camp*

24 Defendants argue, and Plaintiffs acknowledge in their Response to Defendants’  
25 Motion to Dismiss (Doc. # 9 at p. 3), that RRMC—an unrepresented corporate entity—must  
26 be represented by counsel in order to bring and maintain this present action. As such,  
27 Defendants argue that RRMC should be dismissed from this suit until RRMC retains legal  
28 counsel to bring its civil rights action. This Court agrees.



1 damages other than those suffered by RRMC. *See Erlich v. Glasner*, 418 F.2d 226, 227-28  
2 (9th Cir. 1969) (stating in context of an action under the Civil Rights Act brought by  
3 stockholder for damages suffered by a corporation that, even though stockholder owned all  
4 of the stock in the corporation, stockholder's claims, which included interference to earn a  
5 livelihood, were those of the corporation and not the stockholder).<sup>2</sup>

6 **CONCLUSION**

7 Accordingly, because this Court finds that neither RRMC or the Dentons are permitted  
8 to maintain this present action,

9 **IT IS ORDERED** that Defendants State of Arizona, Arizona Department of Health  
10 Services, Ben Stepleton, and Diane Eckles' Motion to Dismiss (Doc. # 7) is GRANTED  
11 insofar as that motion is premised upon lack of subject matter jurisdiction, but DENIED  
12 without prejudice in all other respects.

13 **IT IS FURTHER ORDERED** that Plaintiff Reality Ranch Military Camp's claims  
14 against Defendants State of Arizona, Arizona Department of Health Services, Ben Stepleton,  
15 and Diane Eckles are dismissed without prejudice; that Plaintiff Reality Ranch Military  
16 Camp may pursue its action based upon alleged civil rights violations in a separate action  
17 once it is represented by legal counsel in accordance with this Order; that Plaintiffs Jeremy  
18 Denton and Ginger Denton's claims against Defendants State of Arizona, Arizona  
19 Department of Health Services, Ben Stepleton, and Diane Eckles are dismissed with  
20 prejudice for the reasons explained in this Order.

21 **IT IS FURTHER ORDERED** that although Defendants Neil Karnes, Greg Moody,  
22 and Graham County have not moved to dismiss, because the reasoning of this Order would  
23 apply equally to them, the claims against Defendants Neil Karnes, Greg Moody, and Graham  
24 County are dismissed in accordance with the preceding paragraph.

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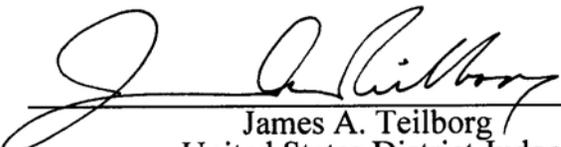
<sup>2</sup> Because neither RRMC or the Dentons may proceed in this present action, the Court  
28 need not address the other arguments raised in Defendants' Motion to Dismiss.

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**IT IS FURTHER ORDERED** dismissing all fictitious Defendants because the Federal Rules of Civil Procedure do not permit the use of fictitious defendants.

**IT IS FINALLY ORDERED** that the Clerk of the Court shall enter judgment accordingly.

DATED this 29<sup>th</sup> day of April, 2009.

  
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James A. Teilborg  
United States District Judge