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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Coast Investment Group, LLC; BJ Gunner)
Investments LLC; Coast Investments)
Group, LLC,
Plaintiffs,
vs.
Arizona Department of Housing; Michael)
Traylor,
Defendants.

No. CV 09-1733-PHX-JAT

ORDER

On August 24, 2009, the Judge to whom this case was previously assigned ordered that this case would be dismissed if Plaintiffs failed to obtain an attorney; the Judge ordered Plaintiffs to obtain counsel because limited liability companies can not appear in state court without an attorney (state court being where the complaint was originally filed). See Doc. #7 at 2. The same is true in federal court. See *D-Beam Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004). Consistent with state law, the Judge ordered that Plaintiffs would be given an opportunity to obtain an attorney. Specifically, the Judge ordered that Plaintiffs had to obtain an attorney and that the attorney had to file an amended complaint on their behalf by September 11, 2009, or Defendants' motion to dismiss the complaint due to the lack of an attorney would be granted. Doc. #7 at 4.

1 Plaintiffs did not obtain an attorney by September 11, 2009 and instead moved this
2 Court for an extension of time to obtain an attorney (Doc. #12). Plaintiffs also moved to
3 remand to state court (Doc. #13). Defendants moved to strike both of these filings by the pro
4 se limited liability companies (Doc. #14).

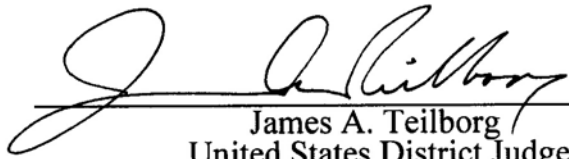
5 Defendants are correct that the pro se Plaintiffs cannot make legal arguments;
6 therefore the motion to strike the motion to remand will be granted. As for the motion for
7 extension of time, the Court will give Plaintiffs one extension of the prior deadline to obtain
8 counsel. If Plaintiffs fail to obtain counsel within the deadlines set below, the Court will
9 grant the motion to dismiss (Doc. #2) without further notice to Plaintiffs and without oral
10 argument. Based on the foregoing,

11 **IT IS ORDERED** that Plaintiffs motion for extension of time (Doc. #12) is granted
12 as follows: Plaintiffs shall obtain an attorney who files a notice of appearance by October 13,
13 2009; said attorney shall file an amended complaint by October 20, 2009. As stated above,
14 if Plaintiffs fail to obtain counsel within these deadlines, Defendants' motion to dismiss will
15 be granted.

16 **IT IS FURTHER ORDERED** that Defendants' motion to strike (Doc. #14) is
17 granted in part and denied in part as follows: Plaintiffs' motion to remand (Doc. #13) is
18 stricken; Plaintiffs' motion to extend time (Doc. #12) is not stricken.

19 **IT IS FURTHER ORDERED** that the motion to dismiss (Doc. #2) remains pending.

20 DATED this 28th day of September, 2009.

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24 James A. Teilborg
25 United States District Judge
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