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2 NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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10	Federal Deposit Insurance Corporation, as)	No. CV-10-350-PHX-GMS
	Receiver for Franklin Bank, SSB,)
11)
	Plaintiff,)
12)
	vs.)
13)
	Larry L. Miller and Jane Doe Miller,)
14	husband and wife; Lance E. Keller and)
	Jane Doe Keller, husband and wife; Elite))
15	Homebuilders, Inc., an Arizona))
	corporation,)
16)
	Defendants.)
17)

ORDER

18 On February 18, 2010, this matter was removed from Maricopa County Superior
19 Court and assigned to Magistrate Judge David K. Duncan (Doc. 8). On March 10, 2010, this
20 matter was reassigned to this Court (Doc. 20). A Scheduling Conference was held on June
21 4, 2010 and the Case Management Order was issued (Doc. 27). Upon further review of the
22 docket, the Court notes that Defendant Elite Homebuilders, Inc. is not represented by
23 counsel.

24 Only licensed attorneys may represent a corporation in federal court. *Rowland v. Cal.*
25 *Men’s Colony, Unit II Men’s Advisory Counsel*, 506 U.S. 194, 201-202 (1993) (“It has been
26 the law for the better part of two centuries . . . that a corporation may appear in federal courts
27 only through licensed counsel.”) (citing *Osborn v. President of Bank of U.S.*, 9 Wheat. 738,
28 829, 6 L.Ed. 204 (1824)); *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d 972,


1 973-74 (9th Cir. 2004) (“It is a longstanding rule that ‘corporations and other unincorporated
2 associations must appear in court through an attorney.’”) (alteration and citation omitted);
3 *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (“Corporations and other
4 unincorporated associations must appear in court through an attorney.”); *United States v.*
5 *High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (holding that a corporation’s
6 president and sole shareholder could not make an “end run around” the counsel requirement
7 by intervening pro se rather than retaining counsel to represent the corporation) (citing 28
8 U.S.C. 1654).

9 A corporation may appear in federal court only through licensed counsel. *See, e.g.,*
10 *Rowland*, 506 U.S. at 201-202. Because Lance Keller is not a licensed attorney, he may not
11 appear in this Court on behalf of Elite Homebuilders, Inc. *See Nesselrode, LLC v. Measure*,
12 No. CV 07-49-M, 2007 WL 2398820, at *2 (D. Mont. Aug. 14, 2007) (“To the extent
13 Nesselrode’s motion requests that his corporation, Nesselrode, LLC, be permitted to proceed
14 *pro se*, and that he be permitted to represent his corporation, the law does not support his
15 request. Nesselrode is not an attorney, and . . . his corporation may appear in federal court
16 only through licensed counsel. . . . [T]his well-settled rule . . . applies even if the individual
17 seeking to represent the corporation is the president and sole shareholder of the
18 corporation.”). Therefore,

19 **IT IS HEREBY ORDERED** directing Elite Homebuilders, Inc. to retain counsel on
20 or before **August 13, 2010**.

21 **IT IS FURTHER ORDERED** that pursuant to LRCiv. 7.1.1 and Federal Rule of
22 Civil Procedure 7.1, Elite Homebuilders, Inc. shall file a Corporate Disclosure Statement on
23 or before **August 13, 2010**.

24 DATED this 28th day of July, 2010.

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G. Murray Snow
United States District Judge
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