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

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Best Western International, Inc., )

No. CV10-0740 PHX DGC

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Plaintiff, )

11

vs. )

**ORDER**

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Fish Creek Holdings, LLC, et al., )

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Defendant. )

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On April 2, 2010, Plaintiff Best Western International, Inc. filed a complaint against Defendants Fish Creek Holdings, LLC and Sue Martinsen. Dkt. #1. On June 3, 2010, Sue Martinsen and non-party Henry C. Martinsen filed a *pro se* answer on behalf of Sue Martinsen and Fish Creek Holdings. Dkt. #12. On June 4, 2010, Best Western filed a motion requesting the Court to strike the answer to the extent it was filed on behalf of Fish Creek Holdings, on the ground that a corporation may appear in federal court only through licensed counsel. Dkt. #13. Defendants have failed to respond to the motion.

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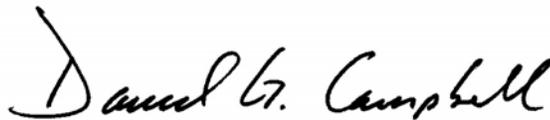
Best Western is correct that only licensed attorneys may represent a corporation or other entity in federal court. *Rowland v. Cal. Men’s Colony, Unit II Men’s Advisory Counsel*, 506 U.S. 194, 201-202 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel.”) (citing *Osborn v. President of Bank of U.S.*, 9 Wheat. 738, 829, 6 L.Ed. 204 (1824)); *D-Beam Ltd. P’ship v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) (“It is a longstanding rule that ‘corporations and other unincorporated associations must appear in

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1 court through an attorney.”) (alteration and citation omitted); *In re Am. W. Airlines*, 40 F.3d  
2 1058, 1059 (9th Cir. 1994) (“Corporations and other unincorporated associations must appear  
3 in court through an attorney.”); *U.S. v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir.  
4 1993) (holding that a corporation’s president and sole shareholder could not make an “end  
5 run around” the counsel requirement by intervening pro se rather than retaining counsel to  
6 represent the corporation) (citing 28 U.S.C. 1654). Based on the affidavit of Michelle Swan,  
7 it appears that neither Sue Martinsen nor Henry C. Martinsen is an attorney. Dkt. #13-1 at  
8 3-4. As a result, the Court will grant Best Western’s motion to strike the answer to the extent  
9 it was made on behalf of Fish Creek Holdings.

10 **IT IS ORDERED** that Best Western’s motion to strike (Dkt. #13) is **granted**.

11 DATED this 14<sup>th</sup> day of July, 2010.

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16 David G. Campbell  
17 United States District Judge  
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