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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Herbal Quest LLC,  
Plaintiff,  
vs.  
W.F. Young, Inc., et al.,  
Defendants.

No. CV-11-1263-PHX-PGR

ORDER

Having reviewed the Motion to Withdraw as Counsel With Consent (doc. 17), filed by counsel for plaintiff Herbal Quest, LLC with the written permission of Kyle Thiboult, Herbal Quest’s president, the Court finds that the motion should be granted pursuant to LRCiv 83.3(b)(1).

The withdrawal of Herbal Quest’s counsel without substitution of new counsel means that the plaintiff, a limited liability company, is no longer properly before the Court, In re Highley, 459 F.2d 554, 555-56 (9<sup>th</sup> Cir. 1972), since it is well-established that a corporation or a partnership or any other type of unincorporated association may only appear in federal court through a licensed attorney. Rowland v. California Men's Colony, 506 U.S. 194, 201-02, 113 S.Ct. 716, 721 (1993); In re America West Airlines, 40 F.3d 1058 (9<sup>th</sup> Cir.1994);

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Lattanzio v. Comta, 481 F.3d 137, 140 (2nd Cir.2007) (“Because both a partnership and a corporation must appear through licensed counsel, and because a limited liability company is a hybrid of the partnership and corporate forms ... a limited liability company also may appear in federal court only through a licensed attorney. Other courts that have addressed this issue have reached similar conclusions.”). **Plaintiff Herbal Quest is advised that the Court will not permit it to file any document or appear in any proceeding in this action through any managing member or any other non-attorney, and that this action will be dismissed if it does not timely obtain new counsel licensed to practice before this Court.** United States v. High Country Broadcasting Co., Inc., 3 F.3d 1244, 1245 (9<sup>th</sup> Cir.1993). Therefore,

IT IS ORDERED that the Motion to Withdraw as Counsel With Consent (Doc. 17) is granted and that Charles E. Runyan and the law firm of Gallagher & Kennedy, P.A. are withdrawn as counsel for plaintiff Herbal Quest, LLC.

IT IS FURTHER ORDERED that plaintiff Herbal Quest, LLC shall have through **August 15, 2011** in which to obtain new counsel licensed to practice before this Court and to have that counsel file a notice of appearance in this action.<sup>1</sup>

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order to plaintiff Herbal Quest, LLC, 13940 W. Meeker Blvd., Suite 115 #205,  
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<sup>1</sup>  
The plaintiff is advised that, pursuant to the Court’s order adopting the parties’ stipulation, its responses to the pending motions to dismiss are due no later than August 18, 2011.

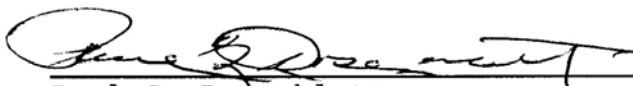
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2 Sun City West, AZ 85375.

3 DATED this 20<sup>th</sup> day of July, 2011.

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Paul G. Rosenblatt  
United States District Judge

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