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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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PNKT LLC, dba Fast Service Billing, an
Arizona limited liability company,

No. CV-13-1045-PHX-LOA

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Plaintiff,

ORDER

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vs.

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Contemporary Women's Care, an Arizona
Professional Limited Liability Company)
and Dr. Ali Baradaran,

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Defendants.

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This case arises on the Court's review of the docket.

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Pro se Plaintiff's Complaint was filed on May 22, 2013. (Doc. 1) Plaintiff Long Nguyen and Defendants Contemporary Women's Care and Dr. Ali Baradaran consented in writing to jurisdiction before a magistrate judge pursuant to 28 U.S.C. § 636(c). (Docs. 5, 10) Mr. Nguyen purports to represent Plaintiff PNKT LLC, dba Fast Service Billing, alleged in the Complaint as an Arizona limited liability company. (Doc. 1 at 1) Mr. Nguyen is neither identified as a lawyer on the State Bar of Arizona's website¹ nor admitted as a lawyer authorized to practice law in the District of Arizona.

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On June 14, 2013, the Court issued an order, doc. 8, to Plaintiff, explaining that only licensed attorneys may represent corporations, limited liability companies, and other business entities in federal court. *See DLC Dermacare, LLC v. Castillo*, 2012 WL 5464962, at *3 (D. Ariz. Nov. 8, 2012) (citing, *inter alia*, *Rowland v. Cal. Men's Colony, Unit II*,

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¹ See www.myazbar.org/ (last viewed on June 25, 2013).

1 *Men’s Advisory Council*, 506 U.S. 194, 201-02 (1993); *Lotanzio v. COMTA*, 481 F.3d 137,
2 140 (2d Cir. 2007) (holding that LLC could appear in federal court only through licensed
3 attorney); *D. Beam Ltd. Partnership v. Roller Derby Skates, Inc.*, 366 F.3d 972, 973-74 (9th
4 Cir. 2004) (“It is a long standing rule that ‘corporations and other unincorporated
5 associations must appear in court through an attorney’”) (alteration and citation omitted));
6 *see also Underdog Trucking, LLC v. Arizona Federal Credit Union*, 2010 WL 3023874 (D.
7 Ariz. Aug. 2, 2010); *LimoStars, Inc. v. New Jersey Car and Limo, Inc.*, 2011 WL 1465533
8 (D. Ariz. April 15, 2011).

9 Generally, the State of Arizona also does not permit non-lawyers to practice law on
10 behalf of other individuals, corporations or other legal entities in a judicial proceeding. *See*
11 Rule 31(a)(2)(A)(3) and (b), Ariz. R. Sup. Ct. While a natural person may always appear
12 *pro se* for himself or herself, a corporation or limited liability company is a legal entity unto
13 itself quite separate from its owners and officers. In order to respect the corporate form,
14 Arizona has also long ago adopted the rule a corporation cannot appear in court without a
15 lawyer. *Jacquez v. Diem Corp.*, 2003 WL 25548423, at *3 (D. Ariz. 2003) (citing *Boydston*
16 *v. Strole Development Company*, 193 Ariz. 47, 969 P.2d 653 (Ariz. 1998) and *Ramada Inns,*
17 *Inc. v. Lane & Bird Advertizing, Inc.*, 102 Ariz. 127, 128, 426 P.2d 395, 396 (Ariz. 1967)).
18 More recently, the Arizona Court of Appeals affirmed the preclusion of a non-lawyer from
19 representing a limited liability company at a bond forfeiture hearing. *State v. Liberty Bail*
20 *Bonds*, 2008 WL 4095513, at *3 n. 6 (Az. Ct. App. 2008) (“[T]he Arizona Supreme Court
21 appears to treat corporations and limited liability companies similarly with regard to the
22 unauthorized practice of law. *See, e.g.,* Ariz. R. Sup.Ct. 31(d)(3).”). While there are some
23 minor exceptions, none apply here.

24 The District Court of Arizona follows Arizona law regarding the practice of law.
25 *Marchant v. U.S. Collections West, Inc.*, 12 F. Supp.2d 1001, 1005 (D. Ariz. 1998). There
26 is no doubt the filing of a complaint constitutes the “practice of law.”

27 Plaintiff PNKT LLC dba Fast Service Billing was allowed a reasonable opportunity
28 to retain a lawyer, appropriately licensed to practice law in Arizona and admitted to practice

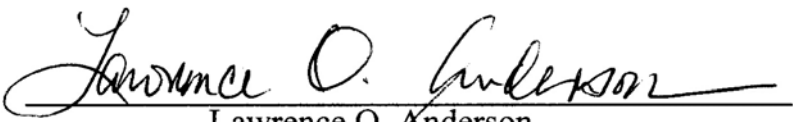
1 in this District Court, to file an Amended Complaint and represent Plaintiff PNKT LLC dba
2 Fast Service Billing in this case and was fairly warned that the failure to do so would result
3 in the Complaint being dismissed without prejudice. Plaintiff PNKT LLC, dba Fast Service
4 Billing was required to retain a lawyer, appropriately licensed to practice law in Arizona and
5 admitted to practice in this District Court, who shall file an Amended Complaint herein on
6 or before Monday, June 24, 2013, or the Complaint would be dismissed without prejudice.
7 (Doc. 8) Plaintiff has not filed an Amended Complaint nor has there been an appearance
8 entered by a lawyer, appropriate licensed to practice law in Arizona and admitted to practice
9 in this District Court.

10 Plaintiff and Long Nguyen having failed to timely comply with the Court's June 14,
11 2013 Order, doc. 8, and on the Court's own motion,

12 **IT IS ORDERED** that Plaintiff's Complaint is **DISMISSED** without prejudice for
13 failure to comply with this Court's Orders. The Clerk of Court is kindly directed to terminate
14 this case.

15 **IT IS FURTHER ORDERED discharging** the Court's Order to Show Cause issued
16 to Defendants on June 28, 2013. (Doc. 9)

17 Dated this 3rd day of July, 2013.

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20 Lawrence O. Anderson
21 United States Magistrate Judge
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