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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

J & J Sports Productions, Inc.,

Plaintiff,

vs.

Martin Garcia Velazquez, et al.,

Defendants.

No. CV-13-01123-PHX-PGR

ORDER

On October 4, 2013, the Court entered an order (Doc. 16) wherein it rejected the parties' stipulated dismissal of this action on two grounds: first, because the stipulation specifically conditioned its effectiveness on the Court retaining jurisdiction over the parties' settlement agreement which the Court declined to do, and second, because the stipulation was improperly signed on behalf of defendant Los Tucanes Mexican Food, LLC by defendant Martin Garcia Velazquez, a non-attorney.¹ The

¹

The Court's previous order stated in part that

the stipulation is in any case ineffective to effectuate the dismissal of defendant Los Tucanes Mexican Food, LLC because the stipulation was signed on that defendant's behalf by defendant Martin Garcia Velazquez, a non-attorney, as the company's "authorized representative" notwithstanding that it is well-established that a non-

1 Court ordered the parties to cure the defects by filing an appropriate stipulation of
2 dismissal or an appropriate notice of voluntary dismissal.

3 On October 30, 2013, the parties timely filed a Stipulated Judgment (Doc. 17),
4 prepared by the plaintiff's counsel, wherein they request that the Court enter a
5 judgment in the amount of \$15,000 in favor of the plaintiff. While the Court will enter
6 the requested judgment by separate document as to defendant Martin Garcia
7 Velazquez, individually and doing business as Los Tucanes Mexican Food, the
8 Court rejects the parties' stipulation as to defendant Los Tucanes Mexican Food,
9 LLC since the stipulation was improperly signed on that defendant's behalf solely by
10 Martin Garcia Velazquez, a non-attorney.

11 The Court finds it to be absolutely inexplicable that the plaintiff's counsel
12 would draft the Stipulated Judgment so that Martin Garcia Velazquez, acting *pro se*,
13 would sign it on behalf of his limited liability company notwithstanding, and without
14 any reference to the fact, that the Court had already specifically informed the parties
15 that only an attorney could appear on that defendant's behalf in this Court. Since
16 the Court cannot dismiss defendant Los Tucanes Mexican Food, LLC from this
17 action based on the parties' improper Stipulated Judgment, the Court will require that
18 the parties file a stipulated dismissal of that defendant signed by an attorney for that
19 defendant admitted to practice before this Court, or the plaintiff can voluntarily
20 dismiss that defendant from this action, or, if appropriate, the plaintiff can seek entry
21 of default and default judgment against that defendant or that defendant may seek

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23 attorney may not appear in federal court on behalf of a limited liability
24 company. See Lattanzio v. COMTA, 481 F.3d 137, 140 (2nd Cir. 2007)
25 (Court held that a limited liability company, even one solely-owned, may
26 appear in federal court only through a licensed attorney.)

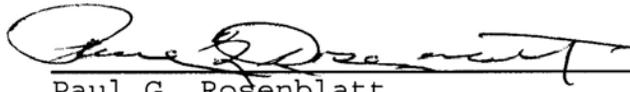
1 to further litigate this action. If the parties fail to timely comply with this Order, the
2 Court will dismiss this action with prejudice as to defendant Los Tucanes Mexican
3 Food, LLC without further notice. Therefore,

4 IT IS ORDERED that the parties' Stipulated Judgment is accepted as to
5 defendant Martin Garcia Velazquez, individually and doing business as Los Tucanes
6 Mexican Food, and is rejected as to defendant Los Tucanes Mexican Food, LLC.

7 IT IS FURTHER ORDERED that the parties shall file an appropriate document
8 relating to defendant Los Tucanes Mexican Food, LLC in accordance with this Order
9 no later than **November 21, 2013**.

10 IT IS FURTHER ORDERED that the caption of all future documents filed in
11 this action shall comply with the party name capitalization rule of LRCiv 7.1(a)(3).

12 DATED this 31st day of October, 2013.

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15 Paul G. Rosenblatt
16 United States District Judge
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