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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 BoxNic Anstalt,

10 Plaintiff/Counterdefendant,

11 v.

12 Gallerie degli Uffizi,

13 Defendant/Counterclaimant.
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No. CV18-1263-PHX-DGC

ORDER

15 The Court held a hearing on September 3, 2019. On the basis of the hearing, the
16 Court will afford Plaintiff until **October 25, 2019**, to retain new counsel in this case. If
17 Plaintiff fails to do so, Plaintiff's claims will be dismissed with prejudice.

18 Plaintiff's counsel has moved to withdraw. Doc. 37. A corporation cannot appear
19 in federal court without counsel. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory*
20 *Counsel*, 506 U.S. 194, 201-202 (1993). The Court accordingly set a telephone hearing for
21 September 3, 2019, and ordered a representative of Plaintiff to participate. Doc. 38.

22 The hearing was held as scheduled, and a representative of Plaintiff did not
23 participate. Counsel for Plaintiff stated that he had sent Plaintiff several emails advising it
24 of the hearing, including a copy of the Court's order. Counsel further stated that Plaintiff
25 confirmed receipt of the emails, but stated that Plaintiff would not participate in the
26 hearing. Counsel said Plaintiff gave no reason for declining to participate. The Court
27 asked whether Plaintiff understood that a corporation cannot appear without counsel in
28 federal court, and that Plaintiff's claims must be dismissed if counsel is allowed to

1 withdraw. Plaintiff's counsel confirmed that Plaintiff was advised of this fact before it
2 declined to participate in the hearing.

3 The Court also discussed discovery issues at the hearing. Plaintiff has failed to
4 comply with its discovery obligations, despite the fact that less than three months remain
5 before the close of discovery. Doc. 39. Defendant asserted that Plaintiff committed to
6 correct the discovery deficiencies by July 24, 2019, but never did so. *Id.* at 2. When asked
7 during the hearing whether he disagreed with these assertions, Plaintiff's counsel said no.

8 Thus, the Court is faced with the following situation: Plaintiff understands that it
9 must be represented by counsel in federal court; Plaintiff understands that its claims will
10 be dismissed if counsel is permitted to withdraw; Plaintiff declined to participate in the
11 September 3, 2019 hearing despite being ordered to do so; and Plaintiff has failed to comply
12 with its discovery obligations.

13 The Court will afford Plaintiff one final opportunity to comply with the Court's
14 orders. Plaintiff shall have until **October 25, 2019**, for new counsel to appear on its behalf.
15 If new counsel has not formally appeared in this case by that date, the Court will grant the
16 motion to withdraw filed by current Plaintiff's counsel, dismiss Plaintiff's complaint with
17 prejudice, and enter a default judgment against Plaintiff on Defendant's counterclaims.
18 Current counsel is directed to advise Plaintiff of this order, and provide Plaintiff with a
19 copy, immediately.

20 Dated this 1st day of October, 2019.

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25 David G. Campbell
26 United States District Judge
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