

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**STATE OF ARKANSAS ex rel.
DUSTIN McDANIEL, Attorney General**

PLAINTIFF

v.

CASE NO. 4:09cv00485 BSM

GENERAL WARRANTY SERVICES, INC.

DEFENDANT

ORDER

Plaintiff the State of Arkansas (“Arkansas”) requests that discovery be compelled. [Doc. No. 12]. Defendant General Warranty Services, Inc. (“GWS”) has responded. [Doc. No. 14]. In the response, defense counsel states that he has received no communication from GWS despite multiple attempts to obtain responses. He renews his request to be relieved of counsel. For the reasons set forth below, the motion to compel is granted and defense counsel’s renewed request to be relieved of counsel is denied.

Arkansas states that its first set of interrogatories and requests for production were served on GWS on November 19, 2009. GWS did not respond. On December 29, 2009 Arkansas sent a letter to GWS indicating that it had not received a response. GWS did not respond.

For good cause shown, Arkansas’s motion to compel [Doc. No. 12] is granted. GWS is directed to provide responses to the outstanding discovery on or before March 8, 2010. GWS is cautioned that failure to timely comply with this order may result in sanctions. Additionally, Arkansas is entitled to all reasonable attorneys fees and costs for obtaining the responses to propounded discovery. Arkansas is directed to file a fee petition within thirty

(30) days of this order.

Further, defense counsel's request to be relieved of counsel is denied. "It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel." *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-202 (1993). ". . . [T]he law does not allow a corporation to proceed *pro se*." *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996). Therefore, counsel will be relieved when new counsel enters an appearance.

IT IS SO ORDERED this 22nd day of February, 2010.


UNITED STATES DISTRICT JUDGE