

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

**ONE BANK & TRUST NA**

**PLAINTIFF**

**v.**

**4:09-CV-00525-WRW**

**LARRY McNEILL IRREVOCABLE LIFE  
INSURANCE TRUST, *et al.***

**DEFENDANTS**

**ORDER**

On October 28, 2009, Larry McNeill filed a *pro se* Answer to Plaintiff's Complaint.<sup>1</sup> The same Answer was signed by James McNeill -- the trustee -- on behalf of the McNeill Irrevocable Insurance Trust (the "Trust").

The Answer filed by James McNeill on behalf of the Trust is STRUCK as a nullity. As set out in an October 23, 2009, Order:<sup>2</sup> "[a] nonlawyer . . . has no right to represent another entity, i.e., a trust, in a court of the United States."<sup>3</sup>

Defendant Larry McNeill initially asked the Court for an extension of time for both himself and the Trust to retain counsel and file an answer to Plaintiff's Complaint.<sup>4</sup> The Court denied the Motion as to the Trust, pointing out that Mr. McNeill was not the appropriate party to make the motion.<sup>5</sup> No other motion for extension on behalf of the Trust was ever filed, no counsel has entered an appearance, and, as state above, the Answer filed on behalf of the Trust is a nullity.

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<sup>1</sup>Doc. No. 12.

<sup>2</sup>Doc. No. 10.

<sup>3</sup>*Knoefler v. United Bank*, 20 F.3d 347, 348 (8th Cir. 1994).

<sup>4</sup>Doc. No. 4.

<sup>5</sup>Doc. No. 6.

Plaintiff's Motion for Default Judgment<sup>6</sup> is well taken. The Trust is directed to retain counsel, have counsel enter an appearance, file an answer to Plaintiff's Complaint, and file a response to Plaintiff's Motion for Default Judgment -- all by 5:00 p.m., Wednesday, November 18, 2009. If the Trust does not comply with this Order, Plaintiff's Motion for Default Judgment will be granted.

IT IS SO ORDERED this 29th of October, 2009.

/s/ Wm. R. Wilson, Jr. \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup>Doc. No. 7.