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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

In re:

WATERFORD FUNDING, LLC, *et al.*,

Debtors

GIL A. MILLER, Chapter 11 Trustee for
WATERFORD FUNDING, LLC, *et al.*,

Plaintiffs,

v.

JOHN STONE,

Defendant.

No. 2:15-mc-0137 WBS AC

ORDER

I. PROCEDURAL HISTORY

This matter involves a judgment entered by the Bankruptcy Court of the District of Utah. According to the documents on file in this case, plaintiff Gil. A. Miller is the Chapter 11 Trustee for debtors Waterford Funding, LLC, et al. See ECF No. 1 at 7 (bankruptcy adversary complaint). On January 5, 2011, the Trustee filed an adversary complaint against defendant John Stone. See ECF No. 1 at 6. On June 24, 2011, the bankruptcy court entered a default judgment against defendant. See ECF No. 21 at 4-5.

1 On or about November 24, 2015, the Trustee assigned the judgment to Baker Recovery
2 Services. ECF No. 2. On November 4, 2015, Baker registered the default judgment in this court.
3 ECF No. 1. On December 4, 2014, the undersigned granted Baker's motion to order defendant to
4 appear for a judgment debtor examination. ECF No. 7. That examination is currently scheduled
5 for May 4, 2016. See ECF No. 14. However, a motion to stay this proceeding is now pending
6 before the undersigned. See ECF No. 15 (motion), 19 (referral to magistrate judge).

7 II. THE PENDING MOTIONS

8 A. Withdrawal of Attorney for Baker

9 Baker has filed a document entitled "Substitution of Attorneys," stating that "Baker, as a
10 sole proprietorship, desires to represent itself *in propria persona* in place and stead of its present
11 attorneys . . ." ECF No. 18 at 1 (citing E.D. Cal. R. 182(g)).

12 1. Substitution of Attorneys

13 Although the motion is entitled "Substitution of Attorneys," and is purportedly filed
14 pursuant to Local Rule 182(g), that rule only applies when an attorney is substituting "another
15 attorney" in his or her place. Here, counsel for Baker – Brett H. Ramsaur and Anthony J.
16 Carucci, of Snell & Wilmer L.L.P. – are not substituting another attorney in their place. Rather,
17 counsel would be withdrawing, and leaving their client to represent itself. Such a motion is
18 governed by Local Rules 182(d) and 183.

19 2. Attorney withdrawal

20 When an attorney wishes to withdraw, leaving his or her client to represent itself "in
21 propria persona," the attorney must comply with Local Rule 182(d) and the Rules of Professional
22 Conduct of the State Bar of California. Local Rule 182(d) requires, among other things, that
23 counsel "shall provide an affidavit stating the current or last known address or addresses of the
24 client . . ." Counsel here have not complied with the requirements of Local Rule 182(d), nor the
25 requirements of the California rules governing withdrawal of counsel. Accordingly, the court will
26 not approve their submission.

27 3. Baker cannot represent itself

28 Baker, a business entity, may not represent itself in this court; it can appear "only by an

1 attorney.” Local Rule 183(a) (“[a] corporation or other entity may appear only by an attorney”);
2 Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 202 (1993)
3 “a corporation may appear in the federal courts only through licensed counsel, . . . [and] the
4 rationale for that rule applies equally to all artificial entities”). Accordingly, if counsel for Baker
5 does successfully withdraw from this case, and no other counsel is substituted in, this proceeding
6 will be dismissed, as Baker will be unable to proceed on its own.

7 B. Motion To Stay

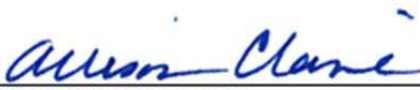
8 The Judgment Debtor has filed a motion to stay these proceedings, and initially noticed it
9 to be heard on May 31, 2016 before the district judge presiding over this matter. ECF No. 15.
10 The district judge has vacated the hearing date and referred the motion to the undersigned. ECF
11 No. 19. The undersigned will order briefing on this motion.

12 III. CONCLUSION

13 For the reasons stated above, IT IS HEREBY ORDERED that:

- 14 1. The submitted “Substitution of Attorneys” (ECF No. 18), is NOT APPROVED;
- 15 2. Plaintiff shall serve and file a response to the Motion To Stay (ECF No. 15), no later
16 than April 19, 2016 at 4:30 p.m., at which time the motion will be taken under submission.

17 DATED: April 5, 2016

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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