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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IBRAHIM NASSER, an individual;
12 and SERIOUS SCENTS,
13 Plaintiffs,

14 v.

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16 JULIUS SAMANN LTD; CAR
17 FRESHNER CO; ENERGIZER
18 BRANDS II LLC; AMERICAN
19 COVERS INC.; and DOES 1-100

20 Defendants.
21

Case No.: 17-cv-863-BTM-MDD

**ORDER DISMISSING SERIOUS
SCENTS AS A NAMED PLAINTIFF**

[ECF No. 97, 110, 114]

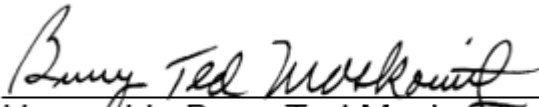
22 The Court ordered Plaintiffs Ibrahim Nasser, an individual, and Serious
23 Scents, a corporation, to show cause as to why Serious Scents should not be
24 dismissed as a Plaintiff. (ECF No. 97). Plaintiff Nasser responded, asserting
25 that the suit concerns conduct that occurred prior to Serious Scent's dissolution
26 and thus Serious Scents should remain a named Plaintiff. (ECF No. 110).
27 Nasser also contends that because Serious Scents is unable to afford an
28 attorney due to the "costly onslaught of . . . litigation" concerning the same

1 parties and issues, this too weighs against dismissing Serious Scents as a
2 Plaintiff. (ECF No. 110 ¶¶ 6, 9).

3 Notwithstanding these arguments, and as Car-Freshner notes in its briefing
4 on the issue, Plaintiff Nasser failed to address the Court's concerns about
5 Serious Scent's appearing pro se as a corporation. (ECF No. 97 (ordering
6 Nasser to "show cause ... why Serious Scents should not be dismissed because
7 it is not represented by an attorney...."); ECF No. 114 at 4). Corporations,
8 whether dissolved or not, cannot appear pro se. See *Rowland v. California Men's*
9 *Colony*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of
10 two centuries ... that a corporation may appear in the federal courts only through
11 licensed counsel."); *D-Bean Ltd. P'ship v. Roller Derby Skates, Inc.*, 366 F.3d
12 972, 973-74 (9th Cir. 2004) ("It is a longstanding rule that corporations and other
13 unincorporated associations must appear in court through an attorney.") (internal
14 quotations and alterations omitted); *Chanel, Inc. v. Pishon Trading, Inc.*, No. 11-
15 cv-10281-MWF-CWX, 2013 WL 12123991, at *2 (C.D. Cal. Mar. 12, 2013)
16 (quoting *Zen Corp. v. New W. Bus. Dev.*, No. 03-cv-8837ABC-CTX, 2004 WL
17 1055279, at *1 (C.D. Cal. May 5, 2004) ("Although the Ninth Circuit has not
18 addressed the issue of whether a dissolved corporation may be represented by
19 one of its former directors and shareholders appearing pro se, courts in other
20 circuits have concluded that such representation is not appropriate."). Because
21 Serious Scents, a corporation, cannot proceed pro se, Serious Scents is
22 dismissed as a Plaintiff on this ground. This dismissal is without prejudice.

23 IT IS SO ORDERED.

24 Dated: June 18, 2019

25 
26 Honorable Barry Ted Moskowitz
27 United States District Judge
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