

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

TEREX FINANCIAL SERVICES, INC.,
Plaintiff,

v.

No. 3:17-cv-00417 (VAB)

CAROLINA FORESTRY AND WILDLIFE,
LLC,
AARON BUMGARNER, an individual d/b/a
CAROLINA FORESTRY AND WILDLIFE,
LLC,
Defendants.

RULING ON CORPORATE DEFENDANT'S APPEARANCE

At the October 17, 2018, telephonic status conference, counsel for Plaintiff noted that Carolina Forestry and Wildlife, LLC, the corporate defendant, had yet to appear in this case. Aaron Bumgarner, an individual defendant and appearing *pro se* in his personal capacity, stated that he was appearing on behalf of Carolina Forestry. He represented that he was the sole member of the limited liability corporation.

Limited liability corporations must be represented by licensed counsel within the Second Circuit. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007) (requiring sole member LLC to appear through licensed counsel); *Lundstedt v. People's United Bank*, No. 3:14-cv-01479 (JAM), 2015 WL 540988, at *3 (D. Conn. Feb. 10, 2015) (dismissing individual case and noting that LLC could file a renewed action only if represented by a licensed attorney).

Therefore, the Court finds that Carolina Forestry and Wildlife, LLC, has yet to appear in this matter. Carolina Forestry must find counsel and appear within 45 days. *Lattanzio*, 481 F.3d at 140 (granting 45 days to find counsel and appear in order to renew appeal). If they do not do

so, the LLC risks default or other sanction. *See generally* FED. R. CIV. P. 55 (describing procedures for default judgment where a party fails to plead or otherwise defend an action); *U.S. Fidelity. & Guaranty Co. v. Petroleo Brasileiro S.A.*, 220 F.R.D. 404, 407 (S.D.N.Y. 2004) (declining to enter default judgment where defendants had failed to find new counsel within time period provided by court but awarding attorneys fees to the opposing party).

SO ORDERED at Bridgeport, Connecticut this 18th day of October, 2017.

/s/ Victor A. Bolden

VICTOR A. BOLDEN
UNITED STATES DISTRICT
JUDGE