

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

GMAC REAL ESTATE, LLC a Delaware Limited
Liability Company,

Plaintiff,

-vs-

Case No. 2:09-cv-546-FtM-36SPC

WATERFRONT REALTY GROUP, INC., a
Florida corporation, JACK NEWBY

Defendants.

ORDER TO SHOW CAUSE

This matter comes before the Court on periodic review. On August 10, 2010, this Court entered an Order allowing withdrawal of Counsel for the Defendants and gave them until September 9, 2010, to retain counsel. Individual Defendant Jack Newby is now representing himself *pro se*, but no notice of appearance by counsel has been filed on behalf of the Corporate Defendant, Waterfront Realty Group, Inc. Jack Newby is one of the owners of Waterfront Realty.

Under Local Rule 2.03(d), a corporation may appear and be heard only through counsel admitted to the Court pursuant to Local Rule 2.01 or 2.02. The rule is well established that a corporation is an artificial entity that can only be represented through its agents. Palazzo v. Gulf Oil Corp., 764 F.2d 1382, 1385 (11th Cir. 1985). It cannot appear in judicial proceedings *pro se* but must instead be represented by licensed counsel. Id. The general rule that corporations must be represented by an attorney in judicial actions applies even where the person seeking to represent the corporation is its president and/or major stock holder. Id.

Rather than enter default judgment at this time, the Court will issue an Order to Show Cause directing Newby as owner of Defendant Waterfront Realty, to show cause why default judgment should not be entered against Defendant Waterfront Realty for failure to obtain counsel.

Accordingly, it is now

ORDERED:

Defendant Waterfront Realty shall show cause by **September 30, 2010**, why default judgment should not be entered against it for failure to obtain counsel. Failure to respond could result in default judgment being entered against Defendant Waterfront Realty. Jack Newby is **not allowed** to represent the corporate Defendant *pro se*.

DONE AND ORDERED at Fort Myers, Florida, this 16th day of September, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record