

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

MARY HUGHES,

Plaintiff,

v.

Case No. 5:12-cv-83-Oc-34TBS

SAPPHIRE DENTAL L.L.C., d/b/a OCLA
DENTAL CARE, a Florida corporation and
TERRY L. BRAUN, individually,,

Defendants.

_____/

ORDER

Pending before the Court are the Defendants' Motion to Dismiss (Doc. 7) and Plaintiff's Response to Defendants' Motion to Dismiss (Doc. 8). Upon due consideration it is adjudged that:

1. Because Plaintiff filed an amended complaint before the motion to dismiss was docketed the motion is moot and is hereby terminated.

2. The motion to dismiss was filed on behalf of both Defendants by Michael J. Reuschel as Registered Agent. Unless he is a lawyer admitted to practice in the Middle District of Florida, Mr. Reuschel cannot act as counsel for the Defendants. If he is not a lawyer, then he is engaging in the unauthorized practice of law. In addition, "[t]he rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear pro se, and must be represented by counsel." Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385 (11th Cir. 1985). "A corporation may appear and be heard only through counsel admitted to practice in the Court pursuant to Rule 2.01 or Rule 2.02." Local Rule 2.03(e). Defendant, Braun, may represent

herself or engage a lawyer admitted to practice in the Middle District of Florida to represent her.

3. Plaintiff has not filed a return of service of original process on defendant, Braun who has not appeared except improperly, through Mr. Reuschel. Plaintiff should file her return of service on defendant, Braun and, because the Court does not have defendant, Braun's contact information, Plaintiff shall serve a copy of this Order on defendant, Braun.

4. Defendants, Sapphire Dental L.L.C., d/b/a Ocala Dental Care and Terry L. Braun shall respond to Plaintiff's amended complaint by motion or answer within fourteen (14) days from the rendition of this Order. If the Defendants fail to respond to the amended complaint within fourteen days then defaults may be entered against them.

IT IS SO ORDERED.

DONE AND ORDERED in Ocala, Florida, on March 26, 2012.



THOMAS B. SMITH
United States Magistrate Judge

Copies to:

Michael J. Reuschel by United States Mail
All Counsel of Record
Terry L. Braun (to be served by counsel for Plaintiff)