

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

JONES FAMILY PARTNERSHIP, et al.,
Plaintiffs,

vs.

Case No.: 3:07cv304/WS/EMT

LAKETOWN WHARF, LLC, et al.
Defendants.

ORDER

This cause is before the court upon a referral from the clerk. On October 16, 2008, the court granted a joint motion (Doc. 65) by counsel for Defendant Laketown Wharf, LLC (“Laketown”), to withdraw as counsel of record (*see* Docket Entry 68). Specifically, Denis L. Durkin, Matthew P. Julian, John R. Dowd, and law firms of Baker & Hostetler, LLP and Dowd Law Firm were allowed to withdraw from representation of Laketown (*see* Docs. 65, 68).

As of the date of this order, however, no attorney has filed a notice of appearance of behalf of Laketown. It is well settled that a corporation is an artificial entity which cannot appear pro se in legal proceedings but must be represented by counsel. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985), *cert. denied*, 474 U.S. 1058 (1986). This rule applies even when the person seeking to represent the corporation is an officer thereof. *Id.* Thus, Defendant Laketown shall be required to obtain new counsel.

Additionally, the court notes that Plaintiffs filed a motion for summary judgment and a statement of undisputed facts in support thereof on September 23, 2008 (Docs. 61, 62). Defendant Laketown has not yet responded to Plaintiffs’ motion. Thus, upon obtaining new counsel, Laketown shall be required to respond to the motion for summary judgment. Laketown is advised that failure to respond to Plaintiffs’ motion “may be sufficient cause to grant the motion” and enter judgment in Plaintiffs’ favor (*see* N.D. Fla. Loc. R. 7.1(C)).

Accordingly, it is **ORDERED**:

1. Defendant Laketown Wharf, LLC shall obtain new counsel, its new counsel must be an attorney admitted to practice before this court, and the new counsel shall file a notice of appearance on or before **NOVEMBER 10, 2008**.
2. Laketown Wharf LLC's new counsel shall file a response to Plaintiffs' motion for summary judgment on or before **DECEMBER 1, 2008**.
3. The clerk is directed to change the docket to reflect that the address for Defendant Laketown Wharf, LLC is: Laketown Wharf, LLC, c/o Robert Glanz, 151 Regions Way, Suite 6A, Destin, Florida 32541 (*see* Doc. 65 ¶ 9). The clerk is further directed to mail a copy of this order to Defendant Laketown at its new address.

DONE AND ORDERED this 24th day of October 2008.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE