

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 12-22129-CIV-ROSENBAUM/SELTZER**

U.S. COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

JOSE S. RUBIO and RUBIO WEALTH  
MANAGEMENT, LLC,

Defendants.

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**ORDER REQUIRING CORPORATE DEFENDANT TO OBTAIN COUNSEL; ORDER  
PROVIDING INSTRUCTIONS TO *PRO SE* LITIGANT**

This matter is before the Court upon an independent review of the record. On September 24, 2012, Defendant Jose S. Rubio (“Rubio”) emailed this Court and Plaintiff stating Defendants’ opposition to Plaintiff’s Motion for Default Judgment, Permanent Injunction, Civil Monetary Penalty and Ancillary Equitable Relief Pursuant to Fed. R. Civ. P. 55(b) and Local R. 7.1(a)(1)(E) [D.E. 22]. This was Defendants’ first acknowledgment of this pending lawsuit.

Accordingly, it is **ORDERED and ADJUDGED** as follows:

1. Federal law clearly establishes that a corporation cannot appear *pro se* and must be represented by counsel. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385-86 (11th Cir. 1985), *cert. denied*, 474 U.S. 1058 (1986); *Nat’ l Indep. Theater Exhibitors, Inc. v. Buena Vista Distribution Co.*, 748 F.2d 602, 609 (11th Cir. 1985), *cert. denied*, 471 U.S. 1056 (1985). Therefore, corporate Defendant Rubio Wealth Management, LLC (“RWM”), shall obtain counsel


and have counsel properly enter with the Court a notice of appearance in this case **on or before Friday, October 12, 2012.**

2. Individual Defendant Rubio shall either obtain counsel and have counsel properly enter an appearance with the Court or properly file with this Court a notice of his intent to proceed *pro se*. Defendant Rubio must enter a *pro se* notice or notice of appearance by counsel **on or before Friday, October 12, 2012.**

3. If Defendant Rubio elects to appear *pro se*, Defendant Rubio must comply with the Order of Instructions to *Pro Se* Litigants (appended to this Order).

4. Should Defendants Rubio or RWM fail to comply with this Order, the Court may enter a default judgment against them.

**DONE and ORDERED** in Fort Lauderdale, Florida, this 25th day of September 2012.

  
ROBIN S. ROSENBAUM  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record

Jose S. Rubio  
via email at [jrubio8100@yahoo.com](mailto:jrubio8100@yahoo.com)

Rubio Wealth Management, LLC  
via email at [jrubio8100@yahoo.com](mailto:jrubio8100@yahoo.com)

**[Order of Instructions to Pro Se Litigants on following page]**

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Defendants.

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**ORDER OF INSTRUCTIONS TO *PRO SE* LITIGANTS**

*Pro se* litigants (*i.e.*, parties not represented by counsel), like all litigants, must comply with the rules of civil procedure and the Court's orders. Accordingly, it is **ORDERED** that if Defendant Rubio elects to proceed as a *pro se* litigant, he shall comply with all Federal Rules of Civil Procedure and Local Rules for the Southern District of Florida.<sup>1</sup> Failure to comply with the federal and local rules may result in sanctions being imposed against *pro se* litigants. Some of the requirements of these rules are as follows:

1. Every pleading, motion, memorandum, or other paper required and/or permitted to be filed with the Court must be filed directly with the Clerk of the Court. No letters, pleadings, motions, or other documents may be mailed, emailed, or otherwise sent directly to the District Judge or Magistrate Judge's chambers. Any papers improperly delivered directly to chambers will be returned and disregarded by the Court.

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<sup>1</sup> The Federal and Local Rules may be accessed from the Clerk of the Court's website, available at: <http://www.flsd.uscourts.gov>.

2. All papers filed must include the case style, case number, and appropriate title in the format required by the Local Rules. *See Local Rule 5.1*, S.D. Fla.<sup>2</sup> The signature block of each pleading must also contain the *pro se* litigant's name, address, telephone number, and e-mail address (if available).

3. All papers filed with the Clerk of Court must also be served on the opposing counsel, or the opposing side if the opposing side is not represented by counsel. Each filing must include a certificate of service indicating the name and address of the attorney served.

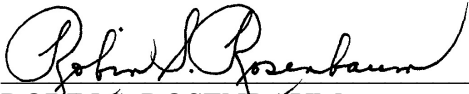
4. Litigants must promptly notify the Court of any change in address by filing a "Notice of Change of Address," which also must be served on opposing counsel.

5. A *pro se* litigant who wishes to oppose a motion must respond in writing within the time periods provided by the rules of procedure.

6. Any litigant and his or her family, friends, or acquaintances may not call the Judge's chambers for legal advice about the case. Brief case status information contained on the docket sheet may be available from the Clerk of Court.

7. A *pro se* litigant bears responsibility for actively pursuing his or her case and must obtain any essential discovery, file all necessary pleadings and motions, comply with all scheduling orders, and prepare the case for trial.

**DONE and ORDERED** in Fort Lauderdale, Florida, this 25th day of September 2012.

  
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ROBIN S. ROSENBAUM  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The sample form for documents filed with the Court may be accessed from the Clerk of the Court's website, available at: <http://www.flstd.uscourts.gov>.

Copies to:

Counsel of record

Jose S. Rubio

*via email at [jrubio8100@yahoo.com](mailto:jrubio8100@yahoo.com)*

Rubio Wealth Management, LLC

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