

United States District Court
for the
Southern District of Florida

| | | |
|--------------------------------|---|-------------------------------------|
| Loan Funder LLC, Series 17286, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 24-23955-Civ-Scola |
| |) | |
| Rockwell Management Corp. and |) | |
| others, Defendants. |) | |

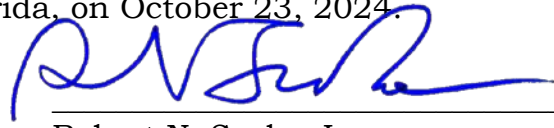
Order Remanding Case

Previously, the Court ordered filer Soimiro Fernandez and Defendant Rockwell Management Corp. to show cause, on or before October 21, 2024, why this case should not be remanded back to state court. (Order, ECF No. 4.) In doing so, the Court advised that, first, Fernandez, as a non-party, could not himself remove this state-court case to this Court. *See De Jongh v. State Farm Lloyds*, 555 F. App'x 435, 437 (5th Cir. 2014) (“A non-party, even one that claims to be a real party in interest, lacks the authority to institute removal proceedings.”). And further, to the extent Fernandez, a nonlawyer, seeks to represent Rockwell Management, an actual defendant in the state-court case, he cannot do so. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (“The 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 The general rule applies even where the person seeking to represent the corporation is its president and major stockholder.”) The Court forewarned Fernandez and Rockwell Management that if they failed to timely or adequately respond to the Court’s show-cause order, the Court would remand this case back to state court. (Order at 1.) The deadline has now passed and neither Fernandez nor Rockwell Management has responded, nor have they sought an extension of time to do so. Accordingly, for this reason as well as the defects identified above, the Court **remands** this case to state court: Fernandez himself, as a non-party, cannot remove this case and he cannot, as a nonlawyer, remove it on behalf of Rockwell Management.

The Court directs the Clerk to **close** this case and take all necessary steps to ensure the prompt **remand** of this matter and the transfer of this file back to the Circuit Court for the Eleventh Judicial Circuit in and for Miami-

Dade County. Any pending motions are denied as moot.

Done and ordered in Miami, Florida, on October 23, 2024.



Robert N. Scola, Jr.
United States District Judge