

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA 2015 FEB -9 PM 2:35
SAVANNAH DIVISION

CHEREE SHIPMAN,)
)
 Plaintiff,)
)
 v.)
)
 MARLO ENTERPRISES, INC. d/b/a/)
 Collectron Concepts, Inc. and)
 MARTIN REED,)
)
 Defendants.)
)

CLERK 
SO. DIST. OF GA.

CASE NO. CV414-52

O R D E R


Before the Court is Defendants' Motion to Dismiss (Doc. 9), to which Plaintiff has filed a response (Doc. 12). In her response, Plaintiff requests leave to file an amended complaint. (Id. at 6.) No response has been filed in opposition to Plaintiff's request. After careful consideration, Plaintiff's request to file an amended complaint is **GRANTED**. Plaintiff shall have **fourteen days** from the date of this order to file her amended complaint. Accordingly, Defendants' Motion to Dismiss (Doc. 9) is **DISMISSED AS MOOT**.

Although Defendants' motion must be dismissed, the Court feels compelled to note that Defendants' motion suffered from numerous substantive and procedural deficiencies. First, it was filed almost three months late. See Fed. R. Civ. Pro. 12(b). Second, the motion appears to have been filed by a non-attorney

purporting to represent both the individual and corporate defendants in this action. In Federal Court, such unlicensed representation is impermissible. See 28 U.S.C. § 1654; Nat'l Indep. Theatre Exhibitors, Inc. v. Buena Vista Dist. Co., 748 F.2d 602, 609 (11th Cir. 1984) (holding that § 1654 precludes individuals from appearing pro se on behalf of other persons and that corporations must always be represented by legal counsel).

In addition, Defendants' motion is comprised entirely of factual defenses to Plaintiff's complaint. Such arguments are beyond the scope of a motion to dismiss and are best left for motions seeking summary judgment. See Sinaltrainal v. Coca-Cola Co., 578 F.3d 1252, 1260 (11th Cir. 2009) (holding that courts accept well-pleaded facts in complaint as true when considering motion to dismiss). Should Defendants desire to assert any further arguments following Plaintiff's filing of her amended complaint, they are reminded that all filings must comply with both the Federal Rules of Civil Procedure and this Court's local rules.

SO ORDERED this 9th day of February 2015.


WILLIAM T. MOORE, JR.,
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA