

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ronald A. Guzmán	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	13 C 1115	DATE	4/24/2013
CASE TITLE	Phillip Koeckritz (#90514), et al. vs. Koeckritz Rugs, Inc., et al.		

DOCKET ENTRY TEXT:

The complaint is dismissed without prejudice to seeking leave to file a consolidated complaint in *Koeckritz v. Koeckritz Rugs, Inc., et al.*, Case No. 12 C 9544 (N.D. Ill.). This case is administratively closed. The plaintiff's motions for leave to proceed *in forma pauperis* [#4] and for attorney representation [#5] are denied as moot. Because the court is administratively closing this case, no filing fee will be assessed pursuant to 28 U.S.C. § 1915(b), nor will a "strike" be imposed under 28 U.S.C. § 1915(g).

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The plaintiff, an inmate at the McHenry County Jail, has brought this *pro se* civil action purportedly pursuant to 28 U.S.C. § 1331, and 17 U.S.C. § 101 et al., The Copyright Act. The plaintiff, who also seeks to sue on behalf of his corporation, claims copyright infringement in connection with rugs being sold on amazon.com, ebay.com, and focusonrugs.com by George Koeckritz and a second rug company. The plaintiff has initiated three similar actions this year to date.

The Court finds that the above-captioned matter substantially overlaps with a case already on file in this district. *See Koeckritz v. Koeckritz Rugs, et al.* (Case No. 12 C 9544), pending before the Hon. Milton Shadur. [In addition, U.S. PACER reflects that a suit by the plaintiff against amazon.com is pending in federal court in Washington State]. This suit involves the same parties and concerns the same essential dispute. The Court discerns no basis for multiple lawsuits arising from the same core chain of events in each action.

Furthermore, the plaintiff has counsel in Case No. 12 C 9544, which avoids any issues associated with his *pro se* representation of Epitome, Inc. A *pro se* non-lawyer cannot represent another individual or entity. *See, e.g., Muzikowski v. Paramount Pictures Corp.*, 322 F.3d 918, 924 (7th Cir. 2003) (citing *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993)). Nor can Epitome, Inc., represent itself *pro se*. *Id.*; *see also JJH. Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7th Cir. 1985) ("A 'corporation' is an abstraction, and abstractions cannot appear *pro se*."). Corporations must be represented by a lawyer. *Navin v. Park Ridge* (CONTINUED)

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STATEMENT (continued)

School Dist. 64, 270 F.3d 1147, 1149 (7th Cir. 2001) (a non-lawyer cannot prosecute a suit on behalf of another). Under the circumstances, the best course of action is for the plaintiff to pursue his claims under the case number in which he has an attorney.

For the foregoing reasons, the complaint is dismissed as duplicative of an already pending lawsuit. Dismissal is without prejudice to seeking leave to file a consolidated complaint in *Koeckritz v. Koeckritz Rugs, Inc., et al.*, Case No. 12 C 9544 (N.D. Ill.), asserting all claims against all defendants. This case is administratively closed. The plaintiff's motions for leave to proceed *in forma pauperis* [#4] and for attorney representation [#5] are denied as moot.