

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

GLORIA RODRIGUEZ, as Independent)
Administrator of the Estate of PAUL J.)
SWIDER, deceased,)
)
Plaintiff,)
)
v.)
)
CITY OF HAMMOND, IN, et al.,)
Defendants.)

CAUSE NO.: 2:09-CV-132-TLS-PRC

OPINION AND ORDER

This matter is before the Court on a Motion to Withdraw as Counsel [DE 44] filed on September 28, 2010, by Plaintiff’s counsel, Lorna Propes, David Nordwall, and Brian Monico. Counsel seek leave to withdraw their representation of the Plaintiff for privileged and confidential reasons and, additionally, that lead counsel Lorna E. Propes must withdraw because she was recently sworn in as a Judge of the Circuit Court of Cook County.

Counsel represents that on August 12, 2010, they informed Plaintiff that they were no longer able to represent her in this action. Counsel represents that on August 16, 2010 they informed Plaintiff in writing that they would provide her with twenty-one days to find new counsel before moving to withdraw, and Plaintiff acknowledged receipt of the written communication and her entire file from Counsel. Counsel’s statements are supported by the affidavit of attorney Brian T. Monico.

More than twenty-one days have passed and no other attorney has filed an appearance on behalf of the Plaintiff. Corporations and other parties that are not natural persons can appear in the federal courts only through licensed counsel and may not appear pro se or through ordinary agents. *See Rowland v. California Mens Colony, Unit II Mens Advisory Council*, 506 U.S. 194,

202 (1993). Although individuals may represent themselves in federal court, *see* 28 U.S.C. § 1654, an individual (who is not a licensed attorney) cannot represent any other individual or a legal abstraction, such as a corporation or trust, even if that individual is the agent or administrator. *See Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1427 (7th Cir. 1985) (corporate representation); *United States v. Taylor*, 569 F.2d 448, 451 (7th Cir. 1978) (law license requirement); *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir. 1994) (non-lawyer trustee could not represent trust); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697–98 (9th Cir. 1987) (non-lawyer purported trustee could not represent trust). Therefore, Gloria Rodriguez, as administrator of the estate of her deceased husband, Paul J. Swider, cannot proceed without legal counsel unless she first demonstrates that she is the sole beneficiary of the estate. *See Malone v. Nielson*, 474 F.3d 934, 937 (7th Cir. 2007) (“[A]dministrators do not act on behalf of themselves, but on behalf of all of the beneficiaries of an estate. Consequently, if the administrator is not the sole beneficiary of the estate, then he or she may not represent the estate in court.”).

Having considered the Motion, and noting that Counsel has acted in compliance with Local Rule 83.8 by filing a motion requesting leave to withdraw and including satisfactory evidence of written notice to the client more than seven days in advance of filing the motion, the Court **GRANTS** the Motion to Withdraw as Counsel [DE 44] and **ORDERS** that the appearances of Attorneys Lorna Propes, David Nordwall, and Brian Monico on behalf of Plaintiff in this case are hereby **WITHDRAWN**. The Court **DIRECTS** the Clerk of Court to temporarily enter Plaintiff as pro se on the docket with attention to Gloria Rodriguez, 11217 S. Ave. M, Chicago, Illinois, 60617. However, as described above, an administrator may not proceed pro se. Therefore, the Court further **ORDERS** that Plaintiff Gloria Rodriguez shall have

up to and including **November 5, 2010** for new counsel to formally enter an appearance on the Plaintiff's behalf, to request an extension of time to obtain counsel and advise the Court of her efforts to obtain counsel, or to demonstrate to the Court that she is sole beneficiary of the estate. Failure to comply with this Order may result in dismissal of this lawsuit.

The Court **SETS** this matter for an **IN-PERSON** status conference on attorney representation for **November 18, 2010 at 9:30 a.m.** (CST), United States Courthouse, Magistrate Courtroom 5, 5400 Federal Plaza, Hammond, Indiana, 46320. The Court **ORDERS** Gloria Rodriguez to be present, **in-person**, at the status conference. Counsel for Defendants may participate telephonically with notice to Courtroom Deputy Sue Brown-Nickerson at sue_brown@innd.uscourts.gov at least 24 hours in advance of the conference.

SO ORDERED this 6th Day of October, 2010.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Gloria Rodriguez, 11217 S. Ave M, Chicago, IL 60617.