

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GRAMMAR INDUSTRIES, INC.,

Plaintiff,

No. 15-12694

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

BEACH MOLD AND TOOL, INC.,  
ET AL.,

Defendants.

\_\_\_\_\_ /

**ORDER GRANTING MOTION TO WITHDRAW [Doc. #153]**

Before the Court is a Motion to Withdraw as Counsel for American Industrial Acquisition Corporation d/b/a iP3 (“AIAC”) [Doc. #153] filed by attorney Erik C. Stein and Kopka Pinkus Dolin PLC. Counsel states that “[t]here has been an irretrievable breakdown in the attorney-client relationship between Kopka and AIAC regarding Kopka’s representation of AIAC in this matter.” *Motion*, ¶ 1. On January 16, 2018, the Court entered an order [Doc. #157] directing AIAC to file any objections to the motion within 14 days, and further directing counsel to serve AIAC with a copy of the order by both first class and certified mail. In addition, the Court served a copy of the order on AIAC by first class mail at the address provided by counsel. AIAC has not filed any objections.

Therefore, counsel's motion to withdraw [Doc. #153] is GRANTED, and attorney Eric C. Stein and Kopka Pinkus Dolin PLC are removed as counsel for AIAC and relieved of any further responsibility of representing AIAC, except for forwarding its file to substitute counsel or to AIAC, and serving AIAC with a copy of this order.

“A corporation...must be represented in court by an attorney and may not be represented by an officer.” *Wimberly v. enbridge*, 93 F. App'x 22, 23 (6<sup>th</sup> Cir. 2004)(citing *Doherty v. Am. Motors Corp.*, 728 F.2d 334, 340 (6<sup>th</sup> Cir. 1984) and *Ginger v. Cohn*, 426 F.2d 1385, 1386 (6<sup>th</sup> Cir. 1979)); *see also United States Sec. and Exch. Comm'n v. Merklinger*, 2009 WL 3498721 (E.D. Mich. 2009) (LLC must be represented by counsel). Therefore, Defendant AIAC must obtain new counsel, who must file an appearance no later than 30 days from the date of this order. **If Defendant AIAC's fails to obtain new counsel as ordered, a default will be entered.**

AIAC's Motion to Dismiss Plaintiff's Second Amended Complaint and Cross-Clamant Beach Mold's Cross-Complaint [Doc. #91] is held in abeyance pending AIAC obtaining new counsel.

Counsel Eric C. Stein and Kopka Pinkus Dolin PLC will serve AIAC with a copy of this order by both first class mail and certified mail. The Clerk will serve a copy of this order on AIAC by first class mail at the address provided by counsel.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: March 6, 2019

---

**CERTIFICATE OF SERVICE**

I hereby certify on March 6, 2019 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on March 6, 2019.

s/Carolyn M. Ciesla  
Case Manager for the  
Honorable R. Steven Whalen