

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED FIRE & CASUALTY COMPANY,)
)
Plaintiff,)
)
v.)
)
TITAN CONTRACTORS SERVICE, INC.,)
)
Defendant.)

No. 4:10-CV-2076 CAS

MEMORANDUM AND ORDER

This matter is before the Court on counsel for defendant Titan Contractors Service, Inc.’s (“Titan”) motions for leave to withdraw. For the following reasons, the motions will be granted.

On June 3 and July 17, 2014, counsel for defendant Titan filed motions to withdraw as attorneys for defendant. The motions were unopposed. The Court held defense counsel’s motions for leave to withdraw in abeyance and imposed a notice of withdrawal period until September 2, 2014. See Doc. 107. The Court ordered defendant Titan to obtain substitute counsel no later than September 2, 2014. The Court also stated that defense counsel would be allowed to withdraw on September 2, 2014, or upon the entry of substitute counsel. Because defendant has not obtained substitute counsel by the deadline imposed, and has received adequate notice that the Court would permit its attorneys to withdraw from representation in this matter, the Court will grant defense counsel’s motions to withdraw from representation of the defendant in this matter.

A corporation is an artificial entity that can only act through agents, cannot appear pro se, and must be represented by counsel. Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993). “Entry of a default judgment is appropriate where a defendant corporation fails to comply with a court order to obtain counsel.” Woods v. KC Masterpiece, No. 4:04-CV-936 CAS, slip op.

at 1 (E.D. Mo. May 14, 2006) (quoting R. Maganlal & Co. v. M.G. Chem. Co., Inc., No. 88 CIV. 4896 MJL THK, 1996 WL 715526 at *2 (S.D.N.Y. Dec. 12, 1996)); see Top Sales, Inc. v. Designer Vans, Inc., No. CIV.A. 3:96-CV-0721, 1997 WL 786254 at *2 (N.D. Tex. Dec. 11, 1997) (court grants counsel's motion to withdraw and orders defendant corporation to retain substitute counsel or risk having its pleadings stricken and default judgment entered against it).

In the Memorandum and Order of August 1, 2014, the Court informed defendant that default judgment may be entered against it if defendant failed to obtain substitute counsel. As stated above, defendant has not obtained substitute counsel, and the Court has permitted former defense counsel to withdraw. Therefore, the Court will order plaintiff to file motions to strike defendant's pleadings, for clerk's entry of default and, if appropriate, for default judgment, within thirty days of the date of this order.

Accordingly,

IT IS HEREBY ORDERED that attorneys Patrick J. Kenny, Nicolas J. Garzia, M. Quinn Murphy, Russell F. Watters, Cynthia M. Juedemann, and James L. Craney's motions for leave to withdraw as counsel of record for defendant Titan Contractors Service, Inc. are **GRANTED**. [Docs. 101, 102, and 104]

IT IS FURTHER ORDERED that attorneys Patrick J. Kenny, Nicolas J. Garzia, and M. Quinn Murphy and the law firm Armstrong Teasdale LLP; and Russell F. Watters, Cynthia M. Juedemann, and James L. Craney and the law firm of Brown & James, P.C. are granted leave to withdraw from the representation of defendant Titan Contractors Service, Inc. in this matter.

IT IS FURTHER ORDERED that within thirty (30) days of this Memorandum and Order, plaintiff shall file separate motions to strike defendant Titan Contractors Service, Inc.'s pleadings,

for Clerk's entry of default pursuant to Federal Rule of Civil Procedure 55(a) and, if appropriate, for default judgment pursuant to Federal Rule of Civil Procedure 55(b), along with all necessary supporting documentation and proposed order(s).

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this Memorandum and Order to defendant Titan Contractors Service, Inc. c/o Mark Melroy, 4134 Meramec Bottom Road, St. Louis, MO 63129.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink. The signature is positioned above a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 4th day of September, 2014.