

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DIST. COUNCIL NO. 2, et al.,)
)
Plaintiffs,)
)
vs.)
)
TIM O'BRIEN, et al.,)
)
Defendants.)

Case No. 4:12-cv-1632 SNLJ

MEMORANDUM and ORDER

Pending before the Court is plaintiffs' Motion for Summary Judgment (#58). Although the motion was filed on April 18, 2014, the defendants have not responded. Two matters are currently of concern to the Court: First, the corporate defendants are presently unrepresented by counsel. Second, that it appears the defendants may not have received service of the motion for summary judgment.

As to the first issue, counsel for the defendants withdrew in August 2013. The Court's order permitting withdrawal ordered the defendant corporations to obtain counsel within 21 days. Months have passed, and the corporations have not yet had counsel enter an appearance. The individual defendants have also remained without counsel. Individuals may choose to represent themselves in federal court; however, a corporation must be represented by an attorney in federal court. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993). A corporation's failure to obtain legal representation before the Court may result in entry of a default judgment against the corporation. *See S & K Mfg., Inc. v. Hoffman Int'l, LLC*, 4:07CV02024AGF, 2008 WL 363475, *1 (E.D. Mo. Feb. 6, 2008) (citing *United States v. High Country Broadcasting Co.*, 3 F.3d 1244, 1245 (9th Cir.1993), *cert. denied* 513 U.S. 826 (1994)).

Next, it appears that the defendants may not have receive service of the summary judgment motion. The certificate of service states that the documents “were served upon all defendants to those addresses reflected in the court’s electronic filing system this 18th day of April, 2014.” The Court’s electronic filing system presently has no address for any defendant, so the Court’s electronic filing system could not have served the defendants with copies of any documents. Therefore, it appears the defendants may not have received notice or a copy of the summary judgment motion. On the other hand, it does appear that the individual defendants have been in communication with plaintiffs’ lawyers because they signed an agreed motion to amend the Case Management Order on January 17, 2014 (#51). Regardless, because the certificate of service is unclear, the Court will order clarification by the plaintiffs.

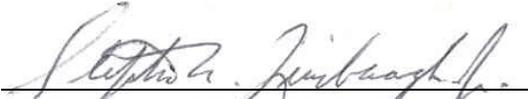
Accordingly,

IT IS HEREBY ORDERED that the Clerk shall send a copy of this order to the defendants at the addresses reflected on the Complaint.

IT IS FURTHER ORDERED that the plaintiffs shall file a response to the Court identifying who was served with the summary judgment motion, at what addresses (electronic or otherwise), and by what means, no later than July 2, 2014.

IT IS FINALLY ORDERED that the individual defendants shall respond to the Court regarding the identity of the attorney or attorneys who will represent the corporate defendants no later than July 9, 2014. If the corporate defendants fail to obtain representation by an attorney in this matter, a default judgment may issue.

Dated this 24th day of June, 2014.


STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE