

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

TERRY M. NELSON, et al.,)
Plaintiffs,)
v.)
ACORN STAIR & WOODWORK,)
INC., et al.,)
Defendants.)
No. 4:15-CV-1200 CAS

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On December 22, 2015, defendant AS&W, LLC filed a document entitled “Motion to Dismiss Plaintiff’s [sic] Lawsuit with Prejudice Against AS&W, LLC,” which is signed by Larry Pecor, III. That same day, defendant Acorn Stair and Woodwork, Inc. filed a document entitled “Motion to Dismiss Plaintiff’s [sic] Lawsuit with Prejudice Against Acorn Stair and Woodwork, Inc., an Administratively Dissolved Missouri Corporation,” which is signed by Larry Pecor.

Defendants AS&W, LLC and Acorn Stair and Woodwork, Inc., both of which are corporate entities, appear to be attempting to proceed without the benefit of licensed counsel. Pursuant to 28 U.S.C. § 1654, “parties may plead and conduct their own cases personally or by counsel.” A corporation, however, is an artificial entity that can only act through agents, cannot appear pro se, and must be represented by a licensed attorney. Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993); Carr Enterprises, Inc. v. United States, 698 F.2d 952, 953 (8th Cir. 1983). Mr. Pecor is not licensed to practice law. A non-lawyer pro se party cannot represent another entity in court. Steele v. City of Bemidji, 257 F.3d 902, 905 (8th Cir. 2001) (pro se plaintiff could not represent corporate plaintiff); Knoefler v. United Bank of Bismarck, 20 F.3d 347, 348 (8th Cir. 1994) (non-

lawyer had no right to represent another entity in federal court). Defendants' purported motions to dismiss are therefore not properly filed, and the Court will order them stricken from the record.¹

Also before the Court is a motion to quash subpoena. On December 22, 2015, Lawrence E. Pecor, IV, who was previously a defendant in this case, filed a Motion to Quash Subpoena that was served upon him as the registered agent for AS&W, LLC.² Mr. Pecor did not attach the subpoena to his motion. As grounds for relief, Mr. Pecor states that he "does not have access to or the ability to produce the information relating to the subpoena served upon him." Doc. 17. Plaintiffs state in their response to the motion to quash that the subpoena also required Mr. Pecor's appearance for deposition, and if Mr. Pecor does not have the documents in question, he can so state at the deposition. The Court agrees. The Court will deny Mr. Pecor's Motion to Quash Subpoena.

Accordingly,

IT IS HEREBY ORDERED that the purported Motions to Dismiss of defendants AS&W, LLC and Acorn Stair and Woodwork, Inc. are **stricken**. The Clerk of Court shall delete these documents from the record. [Docs. 15 and 16]

IT IS FURTHER ORDERED that Lawrence E. Pecor, IV's Motion to Quash Subpoena is **DENIED**. [Doc. 17]

¹The Court file reflects that summons and complaint were served on defendants Acorn Stair & Woodwork, Inc. and AS&W, LLC on August 6, 2015, and October 6, 2015, respectively, and that responsive pleadings were due within twenty (20) days of those dates. The "Motions to Dismiss" were filed on December 22, 2015, and therefore would be untimely even if they were properly filed.

²The Motions to Dismiss were filed by Larry Pecor, III, and Larry Pecor, while the Motion to Quash was filed by Lawrence E. Pecor, IV. The Court notes, however, that the handwriting on the Motions to Dismiss and that on the Motion to Quash is identical. Furthermore, the phone numbers on the documents are the same. Under Rule 11 of the Federal Rules of Civil Procedure, all motions filed with the Court must be signed by the party's attorney or party personally. Misrepresenting oneself to the Court in the filing of motion is a violation of Rule 11, and may result in sanctions, including monetary penalties.

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to Lawrence E. Pecor, IV, at 915 Shady Path Drive, St. Peters, Missouri, 63376, by first-class U.S. mail and UPS Signature service.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 4th day of January, 2016.