

1 nevertheless, the court will henceforth refer to petitioner as “Mclaine Deniss.”

2 It is also difficult to ascertain whether Mclaine Deniss is appearing just for Everest or for both
3 Everest and himself. The court, however, liberally construing the Petition, interprets the Petition as
4 asserting claims for both Mclaine Deniss and Everest. This determination is consistent with the
5 Petition’s identification of the “Parties” in ¶ II, p. 3 of 115.

6 The court notes, however, that nowhere in the Petition does it appear that Mclaine Deniss signed
7 the petition as is required under Fed. R. Civ. P. 11. On or before **April 30, 2015**, Mclaine Deniss shall
8 submit a signature page for the Petition which is signed by him and provides the signer’s address, email
9 address and telephone number. If Mclaine Deniss does not provide the Rule 11-mandated signature
10 page, this court will recommend the Petition be dismissed as to Mclaine Deniss.

11 Although Mclaine Deniss may be managing member of Everest, because Everest is a limited
12 liability company organized as such under the laws of the State of Nevada, Everest requires
13 representation by counsel to be able to proceed in this action. Mclaine Deniss may not appear in federal
14 court for or on behalf of Everest. A party may not proceed without counsel on behalf of artificial entities.
15 28 U.S.C. § 1654. “Corporations and other unincorporated associations must appear in court through
16 an attorney.” *In re America W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (per curiam) (citations
17 omitted). This rule “prohibits *pro se* plaintiffs from pursuing claims on behalf of others in a
18 representative capacity.” *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008); *see also C.E.*
19 *Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987) (trustee may not appear *pro se*
20 because he is not the person who by substantive law has the right sought to be enforced).

21 Therefore, Everest can, therefore, only continue as a party in this action if represented by an
22 attorney admitted to practice in the United States District Court for the District of Nevada; Everest
23 cannot be represented by Mclaine Deniss. Everest will be allowed until **April 30, 2015**, to secure counsel
24 to represent Everest. If Everest does not obtain counsel by that date, this court will recommend the
25 Petition be dismissed as to Defendant Everest Quality Construction, LLC.

26 **IT IS SO ORDERED.**

27 DATED: April 3, 2015.

28 
WILLIAM G. COBB
UNITED STATES MAGISTRATE JUDGE