

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Rodney R Dunlap; Kevin Good;)
 Bernard Elam; Joel Neal; and Mack)
 Thompson,,)
)
 Plaintiff,)
)
 vs.)
)
 TM Trucking of the Carolinas, LLC;)
 TNT Trucking of the Carolinas, Inc.;)
 T-N-T Trucking of York County, Inc.;)
 TNT Propane, Inc.; and Tony McMillan,)
 Individually,)
)
 Defendants.)
)

C/A No.: 0:15-4009-JMC-SVH

ORDER

This matter comes before the court on the motion of Tracy T. James, Esq., to be relived as counsel for Defendants TM Trucking of the Carolinas, LLC, TNT Trucking of the Carolinas, Inc., T-N-T Trucking of York County, Inc., TNT Propane, Inc., and Tony McMillan, individually (“Defendants”). [ECF No. 23]. Ms. James indicates that she provided a copy of the motion, filed on May 23, 2016, to Tony McMillan, individually and as the respective Defendants’ president or Managing Member. Id. Although Ms. James indicates that Defendants consent to her withdrawal, the motion also informs Defendants that they may file an objection to the motion within 17 days. Id. Ms. James further indicates that she has informed Defendants that corporations cannot proceed without representation by an attorney admitted in this district. Id.

It is well-settled that pro se litigants, regardless of the nature of their connection to a corporation as an officer or shareholder, cannot legally represent corporations in this

court. Corporations may only appear in this federal court and litigate through a licensed attorney who is formally admitted to practice and in good standing with this court. See *Days Inn Worldwide, Inc. v. JBS, Inc.*, C/A No. 4:08-1771-TLW-TER, 2010 WL 625391, at *2 (D.S.C. Feb. 19, 2010); see also *First Hartford Corp. Pension Plan & Trust v. United States*, 194 F.3d 1279, 1290 (Fed. Cir. 1999) (holding that pro se actions by non-attorneys on behalf of corporations “fail for lack of standing”); *Pridgen v. Andresen*, 113 F.3d 391, 392–93 (2d Cir. 1997) (finding that a pro se litigant may not represent corporation, estate, partnership, or “his or her minor child”).


The court grants Ms. James’ motion to withdraw.¹ Absent an appearance of counsel on behalf of TM Trucking of the Carolinas, LLC, TNT Trucking of the Carolinas, Inc., T-N-T Trucking of York County, Inc., and TNT Propane, Inc., on or before July 14, 2016, they will be held in default because a corporation may not proceed without counsel. The matter will proceed against Tony McMillan, whether represented or proceeding pro se.

The court directs defendant Tony McMillan to notify the court by July 14, 2016, of the identity of the new attorney(s) he retain to represent him in this case or, alternatively, of his desire to proceed with this litigation pro se, i.e., without an attorney. To this end, Mr. McMillan shall, by July 14, 2016, complete the attached notice and mail it to the Clerk of Court at the address indicated. If Mr. McMillan fails to file the attached letter with the Clerk within the time prescribed, the court will consider him as proceeding pro se.

¹ The consent motion to withdraw [ECF No 22] was never signed by Defendants, and is now moot.

Mr. McMillan is specifically advised that, if no new attorney is obtained to represent his individual interest, the court will expect this litigation to be conducted in accordance with all provisions of the Federal Rules of Civil Procedure and that the court is unable to provide him with legal advice. Failure to comply with court rules could have serious consequences including, but not limited to, striking a defense, striking a pleading, and/or holding the party in default.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shiva V. Hodges". The signature is written in a cursive, flowing style.

June 15, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

Name: _____

Address _____

Clerk of Court
United States District Court
901 Richland Street
Columbia, South Carolina 29201

In Re: 0:15-cv-04009-JMC-SVH Dunlap et al v. TM Trucking of the Carolinas, LLC, et al.

Dear Ms. Blume:

In response to the order of Judge Hodges dated June 16, 2016, I wish to advise as follows:

- _____ 1. I, _____, have obtained a new attorney to personally represent me in this matter. His [or her] name, address, and telephone number are as follows:

OR

- _____ 2. I, _____ have **NOT** obtained a new attorney and will represent myself in this matter. I understand that I cannot represent TM Trucking of the Carolinas, LLC, TNT Trucking of the Carolinas, Inc., T-N-T Trucking of York County, Inc., and TNT Propane, Inc., which must be represented by counsel. I request that the Clerk of Court direct all notices and pleadings to me at the above address. I understand that I am obligated to comply with all provisions of the Federal Rules of Civil Procedure and to keep the Clerk of Court informed as to my proper address.

Signature

Date

Printed Name