

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	No. 3:12-0179
v.	)	Magistrate Judge Brown
	)	
DUSTIN B. BOGART, et al.,	)	
	)	
Defendants	)	

**O R D E R**

There are a number of motions pending in this case for default (Docket Entries 14, 15, 16) and responses thereto (Docket Entries 19 and 21). Motions for default are initially addressed to the Clerk.

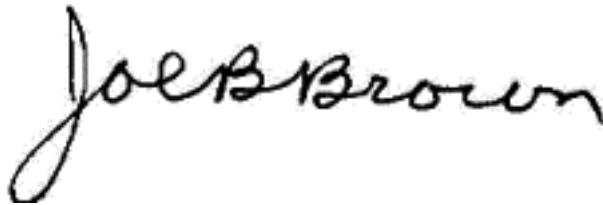
The Magistrate Judge is a bit perplexed by the individual Defendants Bogarts' motion to dismiss (Docket Entry 19). Regardless of where the Defendants Bogart were served they need to respond to this case. The Defendants Bogart make reference to a case 12-cv-0347, however, there is no indication in which court this case is filed. It is not a valid case number in the Middle District of Tennessee.

The Defendants Bogart have also filed a motion to strike the proof of service on Southern Country Ranch. From the pleadings in this matter it appears that Southern Country Ranch is a real estate trust. As such it must be represented by an attorney and cannot be represented by individuals, even if they were stockholders, trustees, or other managers. *See Perrell Demolition,*

*Inc. v. City of Cincinnati*, 786 F.2d 1166 (6<sup>th</sup> Cir. 1986). Again, the appearance by the trust must be through an attorney.

In the Clerk does not grant default as to the individuals, a scheduling order needs to be set in this matter. Accordingly, a hearing is set for **Monday, September 24, 2012, at 3:30 p.m., Courtroom 783**. In preparation for the hearing, the attorneys for the Plaintiff should prepare a draft scheduling order in accordance with the usual form used by the undersigned Magistrate Judge and send a copy of it to the Defendants at least **seven days** prior to the scheduled conference. The Defendants should bring with them to the case management conference any changes they wish to make, along with a page summary of their theory of the case.

It is so **ORDERED**.



/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge