

FILED  
U.S. DISTRICT COURT

2011 APR -5 A 10:16

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

BY: \_\_\_\_\_  
DEPUTY CLERK

Securities and Exchange Commission,  
Plaintiff,

vs.

E&R Holdings.,  
Defendants.

MEMORANDUM DECISION AND  
ORDER DIRECTING E&R  
HOLDINGS TO APPOINT COUNSEL  
AND LODGING ANSWER

Case No. 2:11-cv-00021-BSJ

The Court notes that a(n) Answer has been filed on behalf of E&R Holdings, a Corporation by an individual who does not appear to be a licenced attorney. E&R Holdings purports to represent itself *pro se* by way of Raymond P. Morris. The Court notes that it has long been the law in the Tenth Circuit “that a corporation can appear in a court of record only by an attorney at law.”<sup>1</sup> A corporation may not appear “through a non-attorney corporate officer appearing *pro se*.”<sup>2</sup> Since E&R Holdings is a Corporation, it must be represented in this Court

<sup>1</sup>*Flora Const. Co. v. Fireman’s Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962).

<sup>2</sup>*Harrison v. Wahatoyas, L.L.C.*, 253 F.3d 552, 556 (10th Cir. 2001).

by an attorney at law. Raymond P. Morris is not a licensed attorney, therefore he may not represent E&R Holdings in this case.

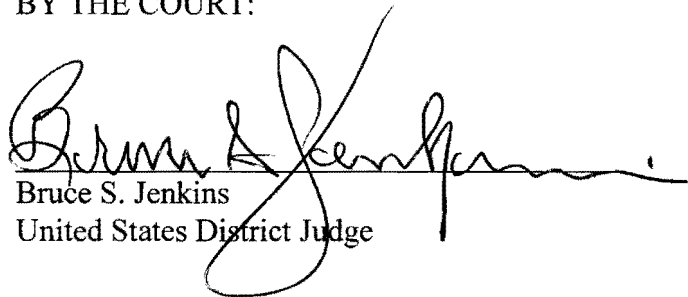
It is therefore

ORDERED that E&R Holdings appoint counsel to represent it in this matter within thirty (30) days of the issuance of this Order. It is further

ORDERED that E&R Holdings's Answer (25) is Lodged.

DATED April <sup>12</sup> 3, 2011.

BY THE COURT:



Bruce S. Jenkins  
United States District Judge