

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

FIFTH THIRD BANK,
an Ohio banking corporation,

Plaintiff,

v.

CIVIL ACTION NO. 3:09-1309

APOSTOLIC LIFE CATHEDRAL, A
NON-PROFIT CORPORATION, a/k/a
The Staunton Street Apostolic Church,
a/k/a The Pentecostal Church of God,
a/k/a The Apostolic Church, a/k/a Life
Cathedral, a West Virginia nonprofit
corporation, et al.,

Defendants.

ORDER

On February 19, 2010, the Court received an “Answer to Complaint & Cross Claim & Affidavit of Specific Negative Averment, Opportunity to Cure, and Counterclaim” (Doc. 35) filed on behalf of Mark-Shannon Manuel, a defendant in this action. In this filing, Mr. Manuel states, in pertinent part: “Mark-Shannon: Manuel is the Authorized Agent for MARK S MANUEL Agent and Manager of DIGIGREETERS LLC, and as such denies all allegations related to DIGIGREETERS LLC.” In light of the fact that Defendant Digigreeters, LLC, a Tennessee limited liability corporation, has not, to date, filed an Answer in this action, the Court construes the above-quoted paragraph in Mr. Manuel’s “Answer to Complaint & Cross Claim & Affidavit of Specific Negative Averment, Opportunity to Cure, and Counterclaim” as an attempt to answer the Complaint on behalf of Digigreeters, LLC. Mr. Manuel is not licensed to practice law. Therefore, on its own motion, the

Court **STRIKES** Mr. Manuel's filing insofar as it purports to tender an answer on behalf of the corporate defendant.

Courts have almost uniformly held that 28 U.S.C. § 1654, which provides that "the parties may plead and conduct their own cases personally or by counsel," "does not allow corporations ... to appear in federal court otherwise than through a licensed attorney." *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993) (citing cases); *see also United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993) ("A corporation may appear in federal court only through licensed counsel."). The rationale for this rule is that a corporation is an entity separate and apart from its officers and directors, and the representation of such an entity by a non-lawyer officer or director constitutes the unauthorized practice of law.

Accordingly, any answer to be filed on behalf of Digigreeters, LLC is Court **ORDERED** to be filed only through an attorney admitted to practice in this district. The Court further **ORDERS** that any future filings made in this action by Digigreeters, LCC, including any answer to the cross-claim raised against it by Defendant Apostolic Life Cathedral, must be made only through an attorney admitted to practice in this district. Failure to comply with this Order will result in the entry of default judgment against the corporate defendant and in favor of the Plaintiff and/or the Cross Claimant.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: February 23, 2010



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE