

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WHITETAIL RIDGE TRUST, CTO,
Dean Raymond Daul and Daniel Scott Peterson
as Trustees and Secured Party Creditors,

Plaintiff,

and

Case No. 24-C-485

HEAVENS DOOR TRUST, CTO,
Wayne M. Lautenbach,

Involuntary Plaintiff,

v.

JOHN JOSEPH BENGE, DR. KEITH DAVIS,
TRACI THRAP, ALAN WILSON, PATRICK W.
GREENWOOD, DANIEL RAY ROCKHOLD,
ELIZABETH MARIE POLSDOFER, and
JIM REBER,

Defendants.

ORDER OF DISMISSAL

Dean Raymond Daul and Daniel Scott Peterson, proceeding pro se, brought this action on behalf of Whitetail Ridge Trust CTO as its trustees and secured party creditors. On May 5, 2024, the court ordered their complaint stricken because “as a general rule, a nonlawyer cannot represent a trust pro se.” *United States v. Sanders*, 676 F. App’x 599, 600 (7th Cir. 2017) (citing *United States v. Hagerman*, 545 F.3d 579, 582 (7th Cir. 2008); *Navin v. Park Ridge Sch. Dist.*, 270 F.3d 1147, 1149 (7th Cir. 2001)); *see also* Civil L. R. 83(e) (E.D. Wis.) (“Only natural persons, including those operating sole proprietorships may appear pro se. Legal entities, such as

corporations, partnerships, unincorporated associations, limited liability companies, or trusts, must be represented by legal counsel.”). Accordingly, the court ordered that, in order to proceed with this action, Daul and Peterson had to retain counsel to represent the Trust in this matter by May 31, 2024. Dkt. No. 2 at 2. Further, Daul and Peterson were warned that “[f]ailure to comply with this order will result in dismissal of the action without prejudice.” *Id.*

To date, no counsel has filed a notice of appearance to represent the Trust. Daul and Peterson have filed two letters expressing their dissatisfaction with the court’s order striking their complaint. Their dissatisfaction appears to be rooted in their confusion between Rule 83 of the Federal Rules of Civil Procedure and Rule 83 of this district’s Civil Local Rules. As the court noted in its previous order, this district’s local rules require that trusts be represented by legal counsel. *Id.* at 1 (citing Civil L. R. 83(e)). In any event, Daul and Peterson no longer seem interested in prosecuting this action, stating that “[b]ecause the official has struck the complaint of 24-CV-485, the Plaintiffs/Trustees agree and state that there is nothing to be gained by the continuation of any aspect of this suit.” Dkt. No. 4 at 4. Therefore, the court will dismiss this case without prejudice.

IT IS THEREFORE ORDERED that this case is **DISMISSED** without prejudice for failure to prosecute. The Clerk is directed to enter judgment accordingly.

Dated at Green Bay, Wisconsin this 3rd day of June, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge