

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE LABORERS' DISTRICT	:	CIVIL ACTION
COUNCIL CONSTRUCTION	:	
INDUSTRY PENSION FUND,	:	NO. 04-4024
<u>et al.</u>	:	
	:	
	:	
v.	:	
	:	
COMPLIANCE MANAGEMENT	:	
GROUP, INC.	:	

MEMORANDUM AND ORDER

Kauffman, J.

May 31, 2005

The fiduciaries of Plaintiff funds bring this collection and enforcement action pursuant to the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1132(g)(2) and 1145. Now before the Court is Plaintiffs' Motion to Disqualify Counsel for Defendant. For the reasons stated below, the Court will deny the Motion as moot.

Plaintiffs filed their Complaint on August 24, 2004. No response having been filed, Plaintiffs filed a request for default on February 3, 2005, and the Clerk of the Court entered the default on February 4, 2005. On February 14, 2005, Plaintiffs filed a Motion for Default Judgment. However, on February 17, 2005, Angela-Nolan Cooper, acting pro-se on behalf of Defendant, filed an Answer to the Complaint. On March 1, 2005, Ms. Nolan-Cooper entered a response to Plaintiffs' Motion for Default Judgment. On April 26, 2005, Plaintiffs filed the present Motion to disqualify Ms. Nolan-Cooper, with Ms. Nolan-Cooper responding on May 24, 2005.

If Ms. Nolan-Cooper was acting as counsel for Defendant, Plaintiffs' Motion would be

granted, as she is not a member in good standing of the Bar of the Eastern District of Pennsylvania. See Letter from Michael Kunz, Clerk of the Court, attached to Plaintiffs' Motion to Disqualify. Defendant does not oppose the Motion to Disqualify, but instead contends that Ms. Nolan-Cooper is acting pro-se on behalf of Defendant, not as counsel. See Defendant's Response to the Motion to Disqualify at 2-3. Because Ms. Nolan-Cooper is not acting as counsel for Defendant, the Motion to Disqualify will be denied as moot.

A corporation must be represented by counsel and may not be represented by an individual acting pro-se on its behalf. Accordingly, Ms. Nolan-Cooper will be barred from representing Defendant. See Simbraw, Inc. v. United States, 367 F.2d 373, 337-74 (3d Cir. 1966) (holding that a corporation may not be represented by its president in court but was required to employ an attorney at law to appear for it and represent it in the litigation); Pa. Bus. Bank v. Biz Bank Corp., 330 F. Supp. 2d 511, 513 (E.D. Pa. 2004) (corporation may not appear pro-se and may not be represented by anyone other than licensed counsel); In re Earle Indus., 67 B.R. 822, 824 (E.D. Pa. 1986) (denying without prejudice a motion filed by the defendant corporation's treasurer because a corporation seeking to have its rights litigated in a court of law must employ an attorney at law to represent it). Further, any filing Ms. Nolan-Cooper has made on behalf of Defendant will be stricken. See Liberty Mut. Ins. Co. v. Hurricane Logistics Co. 216 F.R.D. 14, 16 (D.D.C. 2003) (ruling that a corporation may not appear in court pro-se, and if a corporation does not retain counsel, the district court may strike the corporation's answers and responses); see also Donovan v. Road Rangers Country Junction, Inc., 736 F.2d 1004, 1005 (5th Cir. 1984).

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GROUP, INC.	:	

ORDER

AND NOW, this 31st day of May, 2005, upon consideration of Plaintiffs' Motion to Disqualify Counsel for Defendant (docket no. 7), and Defendant's Response thereto (docket no. 8), it is **ORDERED** that the Motion is **DENIED** as moot for the reasons stated in the accompanying Memorandum. It is **FURTHER ORDERED** that, because Ms. Nolan-Cooper may not act pro-se on behalf of Defendant, the Clerk of the Court shall **REMOVE** from the docket all filings made by Ms. Nolan-Cooper on behalf of Defendant, including the Answer to the Complaint (docket. no. 5) and the Response to the Motion for Default Judgment (docket no. 6).

BY THE COURT:

S/Bruce W. Kauffman
BRUCE W. KAUFFMAN, J.