

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-096361

03/23/2015

HON. MARK F. ACETO

CLERK OF THE COURT
M. Scott
Deputy

AUBREY MITCHELL

ADAM W BARLOW

v.

LIGHTHOUSE MANAGEMENT L L C, et al.

MICHAEL W HERZOG

E L S CONSTRUCTION INC
ATTN JAMES CASTINE
3329 E SOUTHERN AVE
PHOENIX AZ 85040

MINUTE ENTRY

The court makes note of the following:

- Among others, plaintiff named ELS Construction, Inc. as a defendant.
- On February 19, 2015, a “Response to Complaint” was filed on behalf of ELS Construction, Inc. (“Defendant ELS”). This document was signed by James Castine. James Castine is not an attorney authorized to practice law in Arizona.
- On February 20, 2015, the Lighthouse and Pueblo Verde Defendants filed a “Motion to Strike ‘Response to Complaint’ of ELS Construction, Inc.”
- Defendant ELS is a corporation. A corporation cannot practice law. A corporation cannot appear in court through a stockholder or other representative who is not an attorney. Further, it cannot appear in propria persona. *Ramada Inns, Inc., v Lane and Bird Advertising, Inc.*, 102 Ariz. 127, 128 (1967). Thus, unless represented by an attorney authorized to practice law in Arizona, a corporation may not file pleadings, make arguments to the court, or participate in court proceedings.

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Under the circumstances,

IT IS ORDERED striking the “Response to Complaint” filed on behalf of Defendant ELS on February 19, 2015.

On court’s own motion,

IT IS ORDERED extending to **April 24, 2015** the deadline for Defendant ELS to file an answer or to otherwise properly respond to plaintiff’s complaint. As noted above, any answer or other response must be signed by an attorney authorized to practice law in Arizona.

The court warns of the following:

- Going forward, any document filed on behalf of Defendant ELS not signed by an attorney authorized to practice law in Arizona will have no legal significance.
- The court does not intend to delay the progression of this case. Further, it is quite unlikely that the above identified deadline will be further extended. Thus, if Defendant ELS intends to defend against plaintiff’s claim, time is of the essence regarding efforts to retain an attorney.
- If an answer or other proper response to plaintiff’s complaint is not timely filed on behalf of Defendant ELS, pursuant to the rules, plaintiff will be allowed to pursue default judgment against Defendant ELS.