

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PATRICIA KENNEDY,

Plaintiff,

v.

Case No: 2:17-cv-696-FtM-38MRM

U AND V FOOD CORPORATION and A-  
Z DISCOUNT BEVERAGE OF NAPLES,  
INC.,

Defendants.

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**ORDER**

This cause comes before the Court upon review of the Motion to Set Aside / Motion for Rehearing (Doc. 34) filed by Kaushik Sanghvi on behalf of Defendant A-Z Discount Beverage of Naples, Inc.

The Motion states that “I, Kaushik Sanghvi the owner of A to Z Discount Beverage Inc., am appealing the order to default issued on June 14<sup>th</sup>, 2018, case number 2:17-cv-00696-SPC-MRM.” (*Id.* at 1). In support, Mr. Sanghvi states, “I am a small business, a corporation yes but a small store. I work here twelve hours a day Monday through Saturday and seven hours on Sunday.” (*Id.*). Mr. Sanghvi states that “[t]he ‘corporation’ does not have an attorney” because “I can’t afford one.” (*Id.*).

Mr. Sanghvi further states that “I answered all the papers that were served to me – but was denied by the court because they were not filed by an attorney.” (*Id.*). Mr. Sanghvi states that he “was unable to find anything under the ADA that claimed that my responses had to be filed by an attorney.” (*Id.*). Mr. Sanghvi contends that “[a] state law rule requiring filing by an attorney cannot trump a federal civil rights statute silent on this same point.” (*Id.*).

As a final matter, Mr. Sanghvi argues that “[t]he owner of the property should be held responsible, not me as a leasee [sic].” (*Id.*). Accordingly, Mr. Sanghvi states that “I hereby appeal the judgment against me – a small shop – just because I cannot afford an attorney to mail the same papers I have sent.” (*Id.*).

After review of the filing, the Motion (Doc. 34) must be stricken because it was filed by a non-attorney. As noted by the Court previously in this action, the Eleventh Circuit has held that a corporation cannot proceed *pro se* and must be represented by counsel. *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985). Additionally, this Court’s Local Rules state that a corporation “may appear and be heard only through counsel admitted to practice in the Court.” M.D. Fla. R. 2.03(e). Indeed, as noted by the Supreme Court of the United States, “[i]t has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 201-02 (1993) (citing *Osborn v. President of Bank of U.S.*, 9 Wheat. 738, 829 (1824)).

Here, the Court understands Mr. Sanghvi’s position that he cannot afford counsel. Nevertheless, while Mr. Sanghvi’s decision to do business as a corporation provides him numerous benefits, proceeding as a corporation also comes with certain responsibilities and obligations. As the authorities cited above make clear, one such obligation of a corporation is that when it is sued in federal court, it must be represented by counsel. *See Rowland*, 506 U.S. at 201-02; *Palazzo*, 764 F.2d at 1385; *accord* M.D. Fla. R. 2.03(e). As a result, because Defendant A-Z Discount Beverage of Naples, Inc. is a corporation, all filings by Defendant A-Z Discount Beverage of Naples, Inc. must be made through counsel, regardless of whether Defendant or its owners can afford an attorney.

In this instance, however, the Motion was filed by Kaushik Sanghvi on behalf of Defendant A-Z Discount Beverage of Naples, Inc. (Doc. 34 at 1). As previously noted by the Court, there is no indication that Kaushik Sanghvi is an attorney. (*See* Docs. 18, 24). Because Defendant A-Z Discount Beverage of Naples, Inc. is a corporation and cannot proceed *pro se*, the Motion filed by filed by Kaushik Sanghvi on behalf of Defendant A-Z Discount Beverage of Naples, Inc. is improper and due to be stricken.

Accordingly, the Court hereby **ORDERS** that:

- 1) The Motion to Set Aside / Motion for Rehearing (Doc. 34) filed by Kaushik Sanghvi on behalf of Defendant A-Z Discount Beverage of Naples, Inc. is **STRICKEN**.
- 2) The Clerk of Court is directed to indicate on the docket that the filing (Doc. 34) is stricken pursuant to this Order.
- 3) **Mr. Sanghvi is admonished once again that he may not make any filings on behalf of Defendant A-Z Discount Beverage of Naples, Inc.**

**DONE AND ORDERED** in Fort Myers, Florida on July 10, 2018.

  
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MAC R. MCCOY  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties