

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COLVISTEC AG, a German
corporation

Plaintiff,

v.

Case No: 2:18-cv-783-FtM-38CM

EQUITECH INT'L CORP and MIP
TECHNOLOGY CORPORATION,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Strike Answer filed on December 18, 2018. Doc. 14. Plaintiff requests that the Court strike the Answer filed on December 13, 2018 by Defendant Equitech International Corporation (Doc. 11) as it was filed *pro se* by Equitech's Chairman and not through counsel. *Id.* at 1, 3; *see* Doc. 11 at 3.

According to Local Rule 2.03(e), a corporation may only appear and be heard through counsel admitted to practice in the Court pursuant to Local Rules 2.01 or 2.02. "[A] corporation is an artificial entity that can only act through agents, cannot appear *pro se*, and must be represented by counsel." *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (citing *Commercial & R.R. Bank of Vicksburg v. Slocomb*, 39 U.S. 60 (1840); *In re K.M.A., Inc.*, 652 F.2d 398 (5th Cir. 1981); *Sw. Exp. Co. v. I.C.C.*, 670 F.2d 53 (5th Cir. 1982)). Equitech is currently proceeding *pro se* and no attorney has filed a notice of appearance on its behalf. *See generally* Docket.

The Local Rule 3.01(g) certification in Plaintiff's motion, however, states that Equitech opposes the motion because "it intends to obtain counsel." Doc. 14 at 3. Thus, the motion will be denied without prejudice.

ACCORDINGLY, it is

ORDERED:

Plaintiff's Motion to Strike Answer (Doc. 14) is **DENIED without prejudice**. Defendant Equitech International Corporation shall have up to and including **January 21, 2019** to retain counsel admitted to practice in this Court and have counsel file a notice of appearance with the Court.

DONE and ORDERED in Fort Myers, Florida on this 21st day of December, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Pro se parties