

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-59535

JAMES M. KANARAS,

Chapter 7

Debtor.

Judge Thomas J. Tucker

KAREN E. EVANGELISTA, TRUSTEE,

Plaintiff,

v.

Adv. Pro. No. 14-4638

PAUL CORRADO, *pro se*,
and
GOLD COAST PRODUCE, INC.,

Defendants.

**ORDER DENYING DEFENDANT PAUL CORRADO'S MOTION TO SET ASIDE
DEFAULT JUDGMENT AGAINST DEFENDANT GOLD COAST PRODUCE, INC.**

This case is before the Court on Defendant Paul Corrado's motion entitled "Motion For/To Set Aside Default Judgment on Gold Coast Produce[, Inc.]," filed on August 22, 2014 (Docket # 13, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the Court's August 8, 2014 default judgment against Defendant Gold Coast Produce, Inc. (Docket # 11).

The Court has reviewed and considered the Motion, and finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the default judgment.

Second, the Motion is brought by and signed by Defendant Paul Corrado only, and he has no standing to seek relief on behalf of the other defendant — Defendant Gold Coast Produce, Inc.

Third, Defendant Gold Coast Produce, Inc. cannot file any motion or other paper in this court except through an attorney who has signed the paper, and there is no indication in the Motion that Defendant Paul Corrado is an attorney. A corporate officer or other individual other than an attorney may not represent a corporation in a federal court. “[A] corporation cannot appear otherwise than through an attorney.” *United States v. 9.19 Acres of Land*, 416 F.2d 1244, 1245 (6th Cir. 1969); *see also In re Dick Tracy Insurance Agency, Inc.*, 204 B.R. 39, 39 (Bankr. W.D. Mo. 1997)(“There is no dispute that a corporation must be represented by counsel in a bankruptcy proceeding and may not file a petition *pro se*.”) For this reason, even if the Motion could be construed as having been filed by Defendant Gold Coast Produce, Inc. (the only party with standing to seek this relief), the Motion would have to be stricken, and could not be granted.

Accordingly,

IT IS ORDERED that the Motion (Docket # 13) is denied.

Signed on August 26, 2014

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge