

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THINK COMPUTER CORPORATION, CASE NO. 5:13-cv-02054 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

DWOLLA, INC., et. al.,

Defendant(s).


On May 6, 2013, Plaintiff Think Computer Corporation (“Plaintiff”) filed a Complaint in this court against a series of defendants on its own behalf, without legal representation. See Compl., Docket Item No. 1. According to allegations in the Complaint, Plaintiff “is a privately-held Delaware corporation.” Id. at ¶ 10.

Plaintiff cannot appear in this court without an attorney to represent the corporate entity. See United States v. High Country Broad. Co., 3 F.3d 1244, 1245 (9th Cir. 1993) (“A corporation may appear in federal court only through licensed counsel.”); see also Licht v. American West Airlines, 40 F.3d 1058, 1059 (9th Cir. 1994) (“Corporations . . . must appear in court through an attorney.”). Moreover, a lawsuit on behalf of a corporation cannot be maintained by its officers or directors in their individual capacities without counsel. See Phillips v. Tobin, 548 F.2d 408 (2d Cir. 1976).

Accordingly, the court hereby issues an order to show cause why this action should not be dismissed for lack of legal representation. If, **by May 22, 2013**, an attorney qualified to practice in the United States District Court for the Northern District of California does not appear in this action to represent Plaintiff, the court will dismiss the action without prejudice. No hearing will be held on the order to show cause unless otherwise ordered by the court.

IT IS SO ORDERED.

Dated: May 8, 2013


EDWARD J. DAVILA
United States District Judge

United States District Court
For the Northern District of California