

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America v. Joseph J. Lipari, et al.

THE HONORABLE JOHN W. SEDWICK

3:10-cv-8142 JWS

PROCEEDINGS:

ORDER FROM CHAMBERS

July 18, 2012

At docket 65 defendant Exeter Trinity Properties, LLC (“Exeter”) moves for an order joining Timeless Windsor Ventures, a Nevada trust, (“Timeless”) as a defendant and then substituting Timeless for Exeter. The basis for the motion is that the property which is the subject of plaintiff’s tax liens has been transferred to Timeless by Exeter.

Rule 25(c) of the Federal Rules of Civil Procedure provides that where an interest is transferred, the court may consider a motion to join or substitute the transferee if the motion is served as provided in Rule 25(a)(3). Rule 25(a)(3) in turn says: “A motion to substitute, together with a notice of hearing, must be served on the parties as provided in Rule 5 and on nonparties as provided in Rule 4.” The motion at docket 65 is denied for failure to comply with Rule 25(a)(3), but without prejudice to a renewed motion which complies with all applicable rules.

To facilitate compliance with Rule 25(a)(3), the parties are advised that if a proper motion is promptly filed, the court will convene a telephonic hearing on August 21, 2012, at 9:00 AM Alaska Time (10:00 AM Arizona time) to consider any such renewed motion. To participate call 907-677-6247.

Neither Trinity nor Timeless may participate in this case without counsel. In *Rowland v. California Men’s Colony*, the Supreme Court explained: “It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.” 506 U.S. 194, 201-02 (1993). The Court also said that “the rationale for that rule applies equally to *all* artificial entities.” *Id.* at 202 (emphasis added).
