

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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REDLINE SERVICES a/k/a  
B.C. (Bernard) SEIDLING,  
P.O. Box 13017  
Hayward, WI 54843,

Plaintiff,

v.

EXCEL TELECOMMUNICATIONS, INC.  
2440 Marsha Lane  
Carrollton, Texas 75006  
and  
MICHAEL HOFFMAN  
2440 Marsh Lane  
Carrollton, Texas 75006  
and  
GENESIS FINANCIAL SOLUTIONS  
8405 SW Nimbus Ave.  
Beaverton, OR 97008,

Defendants.

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ORDER

06-C-331-C

This case was removed to this court from the Circuit Court for Sawyer County. According to defendant, removal is proper because the complaint of plaintiff Redline Services, a/k/a B.C. (Bernard) Seidling, arises under the Fair Debt Collection Practices Act,

15 U.S.C. § 1692 et seq. and this court has supplemental jurisdiction over plaintiff's related state law claims.

There is a preliminary question, however, that will have to be resolved before the suit can proceed to resolution. When plaintiff filed his complaint, he did so in small claims court. In the complaint, plaintiff Seidling indicates that Redline Services is a sole proprietorship. The form of ownership of plaintiff Redline Services is important now that the case has been removed to federal court. Although individuals may appear on behalf of or perform legal services for corporations or partnerships in Wisconsin's small claims courts, Carmain v. Affiliated Capital Corp., 654 N.W.2d 265 (Wis. Ct. App. 2002), "[a] non-lawyer cannot represent or appear on behalf of a corporation in federal court." Muzikowski v. Paramount Pictures Corp., 322 F.3d 918, 924 (7th Cir. 2003). An individual may choose to take the risky path of representing himself even if he is not trained in the law but an individual cannot make that choice for a corporation, partnership or other entity independent of him.

If, as it appears, Redline Services is a sole proprietorship owned exclusively by plaintiff Seidling, Seidling will be permitted to represent that entity, so long as he files an affidavit in which he declares under penalty of perjury that he is the sole owner of Redline Services. If he does this, he will be able to sign all future filings with this court with his signature as sole proprietor of that entity. If Seidling owns plaintiff Redline Services in a

form other than a sole proprietorship, however, he will have to obtain counsel to represent the company.

ORDER

IT IS ORDERED that B.C. (Bernard) Seidling may have until July 20, 2006, in which to serve and file an affidavit in which he states under penalty of perjury that he is the exclusive owner of plaintiff Redline Services. Alternately, plaintiff Redline Services may have until July 20, 2006, in which to enter a notice of appearance of a lawyer who will represent it in this case. If, by July 20, 2006, plaintiff does not file an affidavit or enter a notice of appearance of counsel, I will dismiss this case on the court's own motion without prejudice to plaintiff's filing suit at some later date when he has retained counsel to represent it.

Entered this 6th day of July, 2006.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge