

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GALAXY POWERSPORTS, LLC
d/b/a JCL INTERNATIONAL, LLC

Plaintiff,

VS.

BENZHOU VEHICLE INDUSTRY
GROUP CO., LTD.

Defendant.

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Civil Action No. 3-10CV0360-P

**PLAINTIFF’S RESPONSE IN OPPOSITION TO UFOT UMANA’S AND
STANLEY KUAN’S MOTION TO WITHDRAW AS COUNSEL**

In response to Ufot Umana’s and Stanley Kuan’s Motion to Withdraw as Counsel and Supporting Brief, and in accordance with Local Rule 83.12, Plaintiff, GALAXY POWERSPORTS, LLC d/b/a JCL INTERNATIONAL, LLC, respectfully requests that their motion be denied.

1. This case has been on file since February 25, 2010. After formally serving Defendant through the Hague Service Convention (doc. #9), Defendant finally answered the lawsuit on or about April 12, 2011 (doc. #28). The court set the close of discovery for June 15, 2012, and trial is set for October 15, 2012.

2. Benzhou, a corporate entity, may not represent itself, because a corporation may not represent itself in court. In Texas, “[o]nly a licensed attorney may practice law. A corporation may not appear in court through its officers who are not attorneys.” *Globe Leasing, Inc. v. Engine Supply and Mach. Serv.*, 437 S.W.2d 43, 45 (Tex Civ. App.—Houston 1969); TEX. R. CIV. P. 7. The same is true in the Northern District of Texas and

the Fifth Circuit. *See, e.g., SW. Express Co., Inc. v. Interstate Commerce Comm'n*, 670 F.3d 53, 56 (5th Cir.1982); *U.S. ex rel Southern Rock, Inc. v. Precision Impact Recovery*, 2001 WL 609902, at *4 (N.D. Texas, Dallas Division, Feb. 14, 2011). Thus, because of its corporate form, Benzhou may not represent itself—or continue on unrepresented—in this matter.

3. Moreover, trial is quickly approaching and Galaxy has been preparing for approximately two years to get to trial. Galaxy believes that Benzhou's counsel's attempted withdrawal is yet another delay tactic by Benzhou. Likewise, although this lawsuit was filed in February 2010 and even though Galaxy made diligent efforts to serve Benzhou through the proper channels, it nonetheless took Benzhou more than one year to finally answer the lawsuit. If the court was to allow Benzhou's attorneys to withdraw, and Benzhou later argued that it needed more time to prepare for trial, it would be highly prejudicial and unduly burdensome to Galaxy.

Therefore, based on the above, Plaintiff respectfully prays that the court deny Ufot Umana's and Stanley Kuan's Motion to Withdraw as counsel in this matter.

Respectfully submitted,

____s/Krista L. Potter_____

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been sent via electronic filing in accordance with Local Rule 5.1(d) and (e) on the 13th day of June, 2012, to all parties at following address:

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____s/Krista L. Potter_____
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