

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In re Mallett Rathell Accounting LLC**
Docket No. **310183**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The motion to waive fees is DISMISSED because only a natural person is eligible for the waiver of fees and costs under MCR 2.002(A). Plaintiff is a limited liability company and Tonya Chakkour, who signed the motion to waive fees and pleadings, was not a party to the action filed in district court. See also MCR 2.002(B) and (D).

The complaint for superintending control is DISMISSED for lack of jurisdiction because an appeal from the May 10, 2012 order of the 36th District Court is available in the circuit court under MCR 7.101. MCR 3.302(D)(2). Furthermore, MCR 7.206(D)(1)(a) requires that one copy of the complaint must be "signed." "An individual may appear in propria persona; a corporation, however, can appear only by attorney regardless of whether it is interested in its own corporate capacity or in a fiduciary capacity." *Peters Production Inc v Desnick Broadcasting Co*, 171 Mich App 283, 287; 429 NW2d 654 (1988), citing *Detroit Bar Ass'n v Union Guardian Trust Co*, 282 Mich 707, 711; 281 NW 432 (1938). Contrary to her argument in the complaint, the fact that plaintiff is a limited liability company is of no moment. See *Carlo v Yorro*, 195 Misc 2d 762; 761 NYS2d 766 (2002) and *In re ICLNDS Notes Acquisition, LLC*, 259 BR 289, 293-294 (Bankr ND Ohio, 2001). Because the complaint and motion for immediate consideration were signed by Ms. Chakkour, who is not a licensed attorney, and the proof of service does not indicate service on the judge as required under MCR 7.206(D)(1)(c), the complaint and motion are also DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and MCR 7.216(A)(10).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 31 2012

Date


Chief Clerk