

ENTERED ON
FEB 17 2005

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
AMIN HASSAN f/k/a JAMES JACKSON) CASE NO. 04-74199
)
Debtor)

GEORGIA EQUIPMENT COMPANY)

Plaintiff)

v.)

AMIN HASSAN)

Defendant)

ADVERSARY PROCEEDING
NO. 04-9205

ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION

This matter is before the court on the motion of Plaintiff, Georgia Equipment Company, for reconsideration of an order entered January 14, 2005 directing that Plaintiff obtain counsel. Plaintiff commenced this adversary proceeding by filing a complaint objecting to the discharge of debtor, Amin Hassan f/k/a/ James Jackson. The complaint was filed *pro se* by Dargan Burns, III on behalf of Georgia Equipment Company. Because corporations are barred from proceeding *pro se*, an order was entered on January 14, 2005 ordering Plaintiff to obtain counsel.

Plaintiff asserts that it is a sole proprietorship rather than a corporation and that therefore Plaintiff is not barred from proceeding *pro se*. While it is well established that corporations and partnerships, which are fictional persons, cannot represent themselves in court personally,

Palazzo v. Gulf Oil Corp., 764 F. 2d 1381 (11th Cir. 1985), a sole proprietorship may. *See, eg. Flynn v. Thibodeaux Masonry Inc.*, 311 F. Supp. 2d 30 (D. D.C. 2004); *Mattel, Inc. v. Adventure Apparel*, 2001 U.S. Dist. LEXIS 3179 (S.D.N.Y. 2001); *Pension Benefit Guar. Corp. v. Viking Food Serv., Inc.*, 1994 U.S. Dist. LEXIS 17846 (S.D.N.Y. 1994).

Plaintiff also asserts that it unintentionally modified its legally registered trade name on the complaint. The complaint must be amended to reflect the true identity of the parties.

Accordingly, it is hereby

ORDERED, that Plaintiff's motion for reconsideration is granted. It is further

ORDERED, that Plaintiff is granted leave to amend the complaint within 20 days from the date of entry of this order.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Plaintiff's attorney, Defendant's attorney, and the Chapter 7 Trustee.

IT IS SO ORDERED, this the 16th day of February, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE