

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MARK H HOWARD, )  
GRAPHIC COMMUNICATIONS UNION )  
LOCAL 17-M PENSION FUND, )  
 )  
Plaintiffs, )  
vs. ) NO. 1:13-cv-00803-RLY-MJD  
 )  
ZIMMER PAPER PRODUCTS OF )  
DELAWARE LLC, )  
 )  
Defendant. )

**REPORT AND RECOMMENDATION**

On October 29, 2013 the Court granted the withdrawal of Defendant's Counsel for Defendant Zimmer Paper Products of Delaware, LLC. which left them unrepresented in this matter. On October 29, 2013, the Magistrate Judge further ordered Defendant to obtain counsel no later than December 2, 2013. If counsel did not appear to represent Defendant as ordered, then Defendant was ordered to show cause no later than December 4, 2013, why default should not be entered against them on Plaintiff's Complaint for Defendant's failure to appear and prosecute and defend this action, because a corporate entity cannot represent itself. [Dkt. 19]. No counsel has appeared for Defendant and no response to the show cause order was filed. As a Corporation, Zimmer Paper Products cannot appear pro se. *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). It appears to the Court that Defendant has abandoned its defense of the claims

filed against them by Plaintiff. The Court further finds that Defendant has failed to follow direct orders of the Court and are without proper representation.

For the reasons discussed above, the Magistrate Judge recommends that Defendant be found that they are in DEFAULT and Clerk of the Court should be ordered to enter DEFAULT against Defendant.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, and failure to file timely objections within the fourteen days after service of this Report and Recommendation shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Dated: 01/17/2014



Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

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VIA US MAIL TO  
Corporation Service Company  
*Agent of Service of Process for Zimmer Paper Products of Delaware LLC.*  
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