

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-003021

09/21/2007

HONORABLE GLENN M. DAVIS

CLERK OF THE COURT
L. Muhammad
Deputy

SHURWEST PRODUCT CONNECTION L L C

MARK D CHESTER
BEN J HIMMELSTEIN

v.

PREMIUM PRODUCERS GROUP L L C, et al.

PREMIUM PRODUCERS GROUP L L C
PO BOX 141
ORANGE CA 92856

MITCHELL M MAYNARD
3099 W CHAPMAN AVE #426
ORANGE CA 92868
DORICE MAYNARD
3099 W CHAPMAN AVE #426
ORANGE CA 92868

UNDER ADVISEMENT RULING

The Court has reviewed and considered the Defendants' Motion to Dismiss Complaint, the Plaintiff's Response, and the Reply thereto, as well as the supplemental briefing regarding whether pro per members of an LLC can represent it in Court proceedings. The Court has further reviewed the file, the pleadings and the materials filed by the parties in support of their positions on the motion.

Based upon consideration of the foregoing and the arguments presented, the Court makes the following findings and enters the following Orders in this case.

The Court finds that there is a basis for jurisdiction in this case based upon the matters asserted. The communication in question was targeted as an Arizona entity. The Court further finds that on balance Arizona is the proper forum, considering what is at issue, the facts that need to be proven, and the availability of witnesses relevant to those facts. Personal inconvenience to

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the Defendants may be mitigated through the use of telephonic appearances and other accommodations. The Court further finds that service of process was sufficient under the circumstances.

Applying the standard that must be applied to a motion to dismiss, giving the benefit of all reasonable inferences to the party opposing the motion, the Complaint on its face does state a claim upon which relief can be granted. Arizona is a notice pleading state and the Complaint does give notice of the nature of the claim with adequate specificity.

Therefore,

IT IS ORDERED denying Defendants' Motion to Dismiss.

On the issue of whether an LLC may be represented by a pro per member, the Court finds that all of the considerations that require a regular corporation to be represented by counsel apply equally to an LLC.

Therefore,

IT IS ORDERED that the pro per members of the LLC in this matter may not represent the LLC and the Motion to Dismiss filed on behalf of the LLC by the pro per Defendants must be and is hereby stricken.

Under the circumstances and given the uncertainty of the Defendants regarding the status of the law, the Court will allow an extension of time for filing an Answer in this matter.

IT IS ORDERED that an Answer shall be filed in this matter on or before **October 24, 2007**.