

has “exhausted all reasonable efforts [and] available financial resources through the unsuccessful services rendered by these five attorneys.” Pl.’s Explanation as to Why Rule 83.1(a)(3) is Not Applicable at 1–2, ECF No. 9. Mr. Podlucky further claims that he possesses “demonstrated extraordinary legal ability for litigating the protection of [the Church’s] interests that inures to the benefit of the general public.” Id. at 4. Mr. Podlucky states that he demonstrated this “extraordinary legal ability” in settlement negotiations that supposedly persuaded the United States Bankruptcy Court for the Western District of Pennsylvania to approve his representation of Grace Community Church in bankruptcy proceedings. Id. at 25, 32 (pointing to Chief Bankruptcy Judge M. Bruce McCullough’s Order Approving Settlement Agreement, which does not mention either Mr. Podlucky or Grace Community Church). Further, Mr. Podlucky claims, “the circumstances are extraordinary in this case.” Id. at 39.

These arguments lack merit. There are no exceptions to RCFC 83.1(a)(3)’s requirements for “extraordinary circumstances.” In particular, there is no exception provided for circumstances in which a proposed lay representative claims that he or she has “extraordinary legal ability,” or where the entity has had difficulty finding counsel with which it is satisfied, or where the entity cannot afford competent counsel. See id. at 38–39; see also Finast Metal Prods., Inc. v. United States, 12 Cl. Ct. 759, 761 (1987) (“[A] corporate ‘person’ can no more be represented in court by a non-lawyer—even its own president and sole shareholder—than can any individual.”); Richdel, Inc. v. Sunspool Corp., 699 F.2d 1366, 1366 (Fed. Cir. 1983) (holding that entity’s “substantial financial hardship” could not overcome rule requiring corporations to be represented by counsel).

A violation of the rule prohibiting an individual who is not an attorney from representing a corporation or entity is grounds for dismissal for lack of prosecution pursuant to RCFC 41(b), which provides that the Court may dismiss an action where a plaintiff fails “to comply with these rules or a court order.” See, e.g., Balbach v. United States, 119 Fed. Cl. 681, 683 (2015) (citing Talasila, Inc. v. United States, 240 F.3d 1064, 1066 (Fed. Cir. 2001)).

Accordingly, the Court directs the Clerk to **DISMISS** Plaintiff’s complaint without prejudice for failure to comply with the Court’s August 12 Show Cause Order that it either obtain counsel or show why RCFC 83.1(a)(3) does not apply here.

IT IS SO ORDERED.

s/ Elaine D. Kaplan

ELAINE D. KAPLAN
Chief Judge