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# MORRIS HARDWICK SCHNEIDER, LLC ORDER STRIKING DEFENDANT DIVOT HOLDINGS, LLC'S ANSWER

Kelly Lee Ellerbee

*Fulton County Superior Court, Judge*

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**IN THE SUPERIOR COURT OF FULTON COUNTY  
BUSINESS CASE DIVISION  
STATE OF GEORGIA**

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MORRIS HARDWICK SCHNEIDER, LLC  
and LANDCASTLE TITLE, LLC,

Plaintiffs,

v.

NATHAN E. HARDWICK IV, and  
DIVOT HOLDINGS, LLC,

Defendants.

CIVIL ACTION NO.  
2014CV250583

Business Case Div. 3

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**ORDER STRIKING DEFENDANT DIVOT HOLDINGS, LLC'S ANSWER**

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On Dec. 4, 2018, the Court entered an Order Permitting Withdrawal of Attorney allowing Defendants' prior counsel to withdraw from this action. That same day the Court issued an Order for Defendant Divot Holdings, LLC to Retain Legal Counsel. Therein the Court noted that in Georgia only a licensed attorney is authorized to represent a corporation, limited liability company, and similar business entities in a court of record. *See Winzer v. EHCA Dunwoody, LLC*, 277 Ga. App. 710, 713–14, 627 S.E.2d 426, 430 (2006); *Eckles v. Atlanta Tech. Grp., Inc.*, 267 Ga. 801, 805, 485 S.E.2d 22, 26 (1997). Thus, Divot Holdings, LLC was ordered to retain legal counsel and to have a licensed attorney file an entry of appearance with this Court within thirty (30) days of the Court's order. The Court also warned that the "[f]ailure to retain counsel as directed [] may result in Defendant Divot Holdings, LLC's answer being stricken and a default judgment being entered or other appropriate sanction as may be appropriate." Copies of the Court's orders were mailed to Defendants at their last known mailing address.

Insofar as more than thirty (30) days have elapsed since the entry of the Court's order and a licensed attorney has not entered an appearance in this matter on behalf of Divot Holdings, LLC and whereas Defendants have not otherwise responded to the Court's order, Defendant Divot Holdings, LLC's answer is hereby STRICKEN and Defendants are found to be in default. See Winzer, 277 Ga. App. at 713-14 ("[L]ike those who accept the benefits of incorporation, those who accept the benefits of a limited liability company must also accept its burdens, including the need to hire counsel"). See, e.g., Heath v. Beech, 300 Ga. App. 756, 756, 686 S.E.2d 283, 283 (2009); Rice v. Champion Bldgs., Inc., 288 Ga. App. 597, 599, 654 S.E.2d 390, 391 (2007); Columbus Transmission Co. v. Murry, 277 Ga. App. 243, 244, 626 S.E.2d 202, 204 (2006).

SO ORDERED this 16<sup>th</sup> day of January, 2019.

  
HONORABLE KELLY LEE ELLERBE  
Superior Court of Fulton County  
Business Case Division  
Atlanta Judicial Circuit

**Served upon registered service contacts through eFileGA**

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