



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

U.S. BANK TRUST, as Trustee for LSF8	§	No. 08-20-00101-CV
MASTER PARTICIPATION TRUST,	§	
	§	Appeal from the
Appellant,	§	
	§	County Court at Law No. 7
v.	§	
	§	of El Paso County, Texas
THE FREEDOM INDEED	§	
FOUNDATION, INC.,	§	(TC# 2017-CCV00586)
	§	
Appellee.		

**ORDER**

Alejandro Hernandez, pro se, has filed a motion to review the sufficiency of a supersedeas bond set by the El Paso County Court at Law No. 7 purportedly on behalf Appellee, the Freedom Indeed Foundation. Hernandez asserts that although the Foundation was represented by counsel in the trial court and is still apparently represented by counsel, he has the authority to file this motion pro se on the Foundation's behalf as the "president and registered agent" of the Freedom Indeed Foundation.

In response, Appellant U.S. Bank Trust, N.A., asks this Court to either (1) strike Hernandez's pro se pleading because the Foundation is represented by counsel and Hernandez cannot file pleadings on the Foundation's behalf because he is not an attorney, or else (2) affirm the trial court's supersedeas judgment on the merits.

Hernandez's pleading will be stricken.

Both Hernandez and U.S. Bank Trust agree that the Freedom Indeed Foundation was represented in the trial court by attorney Joshua Spencer. Spencer filed a motion to withdraw in the trial court, but it is undisputed that motion was never granted, and Spencer has not filed any motion to withdraw or nonrepresentation notice with this Court. As such, Spencer remains

counsel of record in this case unless and until he is relieved of his duty as counsel to the Foundation and allowed to withdraw. Because Spencer represents the Foundation, filings in this case must come from Spencer, not Hernandez.

Furthermore, Hernandez cannot represent the Foundation in proceedings before this Court. He is not a licensed attorney, and corporations cannot appear pro se--they must appear through a licensed attorney.<sup>1</sup> See *Moore v. Elektro-Mobil Technik GmbH*, 874 S.W.2d 324, 327 (Tex.App.--El Paso 1994, writ denied)(corporation must be represented in Texas courts by an attorney); *see also S & B Consulting Grp., L.L.C. v. Dietzman*, No. 02-14-00165-CV, 2014 WL 2922311, at \*1 (Tex. App.--Fort Worth June 26, 2014, no pet.)(mem. op.)(corporation "may not appear in court through its officers who are not attorneys").

Because the motion to review the trial court's supersedeas order did not come from the Foundation's attorney of record, and because Hernandez cannot represent the Foundation in his capacity as "president and registered agent" because he is not a licensed attorney, the pleading Hernandez filed is of no legal effect. U.S. Bank Trust is correct that the proper course of action here is to strike the pleading. *See Varkonyi v. City of El Paso*, No. 08-05-00210-CV, 2005 WL 17916985, at \*1 (Tex.App.--El Paso July 28, 2005, no pet.)(mem. op.)(noting that "Appellant's pleadings were stricken because under Texas law, a corporation must be represented by an attorney and Appellant is a non-attorney").

The Motion to Review Sufficient of Supersedeas Bond filed by Alejandro Hernandez is hereby STRICKEN.

IT IS SO ORDERED this 24<sup>th</sup> day of June, 2020.

PER CURIAM

Before Alley, C.J., Rodriguez and Palafox, JJ.