

# **EXHIBIT**

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**AGUA CALIENTE BAND OF CAHUILLA INDIANS  
TRIBAL COURT**

WILLIAM ULYSSES McGLAMARY, II,

Plaintiff,

v.

D&L REAL ESTATE ENTERPRISES,  
LLC, and DANLON, INC.,

Defendants.

) Case No. CV-2025-0071-UD

) **ORDER GRANTING MOTION  
TO STRIKE ANSWER**

) Next Court Date: May 13, 2025  
) Time: 10:00 a.m.  
) Judge Joseph J. Wiseman

**INTRODUCTION**

This matter came before the Court on April 24, 2025, at 10:00 a.m. for an initial hearing on Plaintiff William Ulysses McGlamary II's ("Plaintiff") Verified Complaint for Judgment of Unlawful Detainer filed on March 21, 2025. Plaintiff appeared through counsel, David Jacobs, Esq. Lonnie Landers, the purported agent for Defendants D&L Real Estate Enterprises, LLC, and Danlon, Inc., a California Corporation ("Defendants"), appeared on behalf of the Defendants.

At the hearing, Plaintiff made an oral motion to strike Defendants' Verified Answer to the Complaint filed on April 14, 2025 by Lonnie Landers, a non-lawyer. Plaintiff contends that this Answer is defective because, as business entities, these Defendants must be represented by legal counsel. In addition to moving to strike, Plaintiff moved the Court to find the Defendants in default. The Court took the matter under submission to consider Plaintiff's request. For the reasons more fully developed below, the Court **GRANTS** Plaintiff's motion to strike and finds the Defendants in default.

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**STATEMENT OF THE LAW**

Rule 16 of the Rules of Court and Rules of Civil Procedure of the Agua Caliente Band of Cahuilla Indians provides in pertinent part that “[i]n all civil cases . . . the Tribal Court shall apply Tribal law first, in the following order of precedence: (a) The Constitution and Bylaws of the Tribe; (b) The Tribal Code; (c) The resolutions of the Tribal Council; (d) The written policies and guidelines of the Tribal Council.”

Rule 17 address the situation when there is no Tribal law to apply in a given matter. That Rule states, “[i]f there is no applicable Tribal law, the Tribal Court shall apply federal law[,]” and “[i]f there is no relevant Tribal law or federal law to apply, the Tribal court *may* apply as Tribal law the law from another tribe or the law of the State of California” (emphasis added).

**DISCUSSION**

The issue before the Court is whether the named Defendants—an LLC and a California Corporation—can appear without legal counsel and proceed to defend the case through Lonnie Landers, a non-lawyer. Since there is no relevant Agua Caliente Tribal law on point, the Court must first look to federal law to resolve the question. And federal law is clear. “It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel” *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 202 (1993), citing to *Osborn v. President of Bank of United States*, 9 Wheat.738, 829, 6 L.Ed 204 (1824). And, “as the courts have recognized, the rationale for that rule applies equally to all artificial entities.” *Id.*, see also *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (a corporation may appear in federal court only through licensed counsel); *Eagle Associates v. Bank of Montreal*, 926 F.2d 1305, 1308 (2<sup>nd</sup> Cir. 1991) (holding that lay person cannot appear on behalf of partnership and default judgment appropriate).

Here, Defendants were served on March 31, 2025, and they filed their Answer on April 14, 2025. Although the Answer was filed timely, it is, as Plaintiff contends, defective because Defendants are not represented by legal counsel and their Answer was filed on their behalf by a non-lawyer. As noted above, under federal law, corporations and other artificial entities must be represented by legal counsel in federal court, a legal rationale which this Court is required to look to and now formally adopts.

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**CONCLUSION**

Accordingly, for the reason set forth above, the Court concludes that Defendants' Answer is defective, and, therefore, Plaintiff's oral motion to strike is hereby **GRANTED**, and default is entered against Defendants D&L Real Estate Enterprises, LLC, and Danlon, Inc., a California Corporation. **IT IS FURTHER ORDERED** that the matter be set for a default prove-up hearing on May 13, 2025, at 10:00 a.m.

**IT IS SO ORDERED.**

Dated: April 24, 2025

**Joseph J.  
Wiseman**

Digitally signed by  
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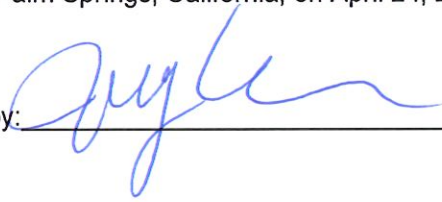
**JOSEPH J. WISEMAN**  
Chief Judge, Agua Caliente Tribal Court

In the matter of: William U. McGlamary, II vs. D&L Real Estate Enterprises, LLC and Danlon, Inc.	CASE NUMBER: CV-2025-0071-UD
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**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause. I certify that a true copy of the attached Order Granting Motion to Strike Answer was electronically emailed following standard court practices, addressed as indicated below. The electronic mailing and this certification occurred at Palm Springs, California, on April 24, 2025.

Tribal Court Clerk, by: \_\_\_\_\_



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