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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase Nos. 34-00057 and 34-00058
)
) **ORDER DENYING GORDON**
) **FULTON'S REQUEST TO**
) **REPRESENT SUBCHAPTER "S"**
) **CORPORATION**

Gordon Fulton, *pro se*, appeared at a Scheduling Conference on January 20, 1994 and requested authorization of the court to appear in the SRBA and represent the entity of Dickey Livestock, Inc., a Subchapter "S" corporation. At the Scheduling Conference, Mr. Fulton stated that he is one of four shareholders in Dickey Livestock, Inc. and that he is not an attorney. The court DENIES Mr. Fulton's request. The law of Idaho does not allow any other result.

It is the law in Idaho that the inherent right of a person to represent himself *pro se* does not extend to the ability to represent any other person or corporation. *See, e.g. Weston v Gritman Memorial Hospital*, 99 Idaho 717, 587 P.2d 1259 (1978).

This Court has previously ruled on the question of *pro se* representation for a limited partnership. *In Re SRBA*, Twin Falls Co. Case No. 39576, *Order Denying Paul Nettleton's Request to Represent a Limited Partnership; and Order Rescheduling Hearing* (August 30, 1993). In that case, the court held that a limited partnership, like a corporation, may not ignore its entity status when appearing in court. Although the question before the court on Mr. Fulton's request to appear for Dickey Livestock, Inc. involves a Subchapter "S" corporation rather than a limited partnership, the result must be the same. The Idaho Supreme Court has held that a Subchapter "S" election under the Internal Revenue Codes does not affect or preempt the status of an Idaho corporation. *Swope v. Swope*, 112 Idaho 974, 982 n.9 (1991) (*Swope I*);

Swope v. Swope, 122 Idaho 296, 301 (1992) (*Swope II*). Therefore, a Subchapter "S" corporation, like any other corporation is not entitled to *pro se* representation by a nonlawyer in the SRBA.

Gordon Fulton, as an individual, is entitled to represent himself *pro se*. Gordon Fulton cannot represent any other person or the corporation Dickey Livestock, Inc.

DATED February 2, 1994.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

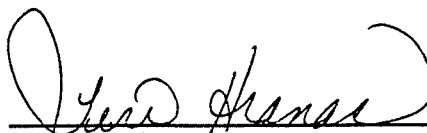
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER DENYING GORDON FULTON'S REQUEST TO REPRESENT SUBCHAPTER "S" CORPORATION** was mailed on February 2, 1994, with sufficient first-class postage to the following:

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Gordon Fulton
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Deputy Clerk