



Rachel Jennings



Sandy Eloranto

Rachel Jennings and Sandy Eloranto Obtain Dismissal of Roofing Bad Faith Action

Associate Rachel Jennings and Shareholder Sandy Eloranto obtained a dismissal pursuant to Fed. R. Civ. P. 41(b) in an action alleging bad faith breach of an insurance contract and statutory delay and denial pursuant to C.R.S. § 10-3-1115 and 1116.

The motion sought dismissal primarily based on the plaintiff roofing contractor's Plaintiff's failure to obtain counsel after repeated orders from the court requiring it to do so. A corporation may not appear in federal court without an attorney or be represented by a non-attorney agent. *Harrison v. Wahatoyas*, 253 F.3d 552, 556 (10th Cir. 2001); *Tal v. Hogan*, 453 F.3d 1244, 1254 (10th Cir. 2006); *Carlson v. Workforce Safety & Ins.*, 2009 ND 87, ¶ 26, 765 N.W.2d 691, 701-02. The motion also cited to the plaintiff's overall failure to prosecute, including failing to serve discovery on the defendant and failing to respond to the defendant's written discovery. The court reasoned that the plaintiff's failures prejudiced the defendant and so interfered with the effective administration of justice that dismissal was the only appropriate remedy.

Staying apprised of parties' compliance (or lack thereof) with court orders and case management deadlines throughout the course of a lawsuit is an effective and necessary tool for client advocacy and good litigation outcomes.