

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**UNITED STATES OF AMERICA,** )  
 )  
 **PLAINTIFF** )

**v.** )

**IOLANDA PONTE, TRUSTEE,** )  
**EDWARD AND IOLANDA PONTE** )  
**MEMORIAL TRUST; AND** )  
**PAULA STONE A/K/A FAUNA** )  
**STONE, TRUSTEE, SAMSARA** )  
**MEMORIAL TRUST,** )  
 )  
 **DEFENDANTS** )

**CIVIL No. 99-281-B-H**

**ORDER**

Judge Singal has recused himself in this case, and it has been assigned to me. Since the Magistrate Judge previously told the parties that Judge Singal had indicated that if there was not agreement to his presiding over the case he would not only recuse, but also vacate prior orders he had entered, I now **VACATE** all Judge Singal's orders. As a result, there is no longer a Consent Judgment (Docket Item # 66), there is no longer a Default Judgment (Docket Item # 49), and the order denying the motion to dismiss filed by Iolanda Ponte, Trustee, and ostensibly by the Edward and Iolanda Ponte Memorial Trust (Docket Item # 40) is **VACATED**.

I now **DENY** the same motion to dismiss (Docket Item # 40). No grounds for dismissal were given in the motion, and a nonlawyer cannot represent an entity such as a trust in federal court. Knoefler v. United Bank of Bismarck, 20 F.3d 347,

348 (8th Cir. 1994); C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697-98 (9th Cir. 1987).

I also **DENY** the defendants' request for jury trial and for restraint of trespass by the United States (Docket Item #46) as no adequate grounds for such relief have been provided.

The defendants have filed notice that they have dismissed Attorney Cloutier as their lawyer (Docket Item #70). His motion to withdraw (Docket Item #69) is therefore **GRANTED**.

On the various motions filed on October 10, 2002, on behalf of Iolanda Ponte and Paula Stone, Trustees (Docket Item #70), the only request that has not been addressed is the motion to enter their proposed consent judgment. That motion is **DENIED**.

The defendants' motion for Judge Singal to recuse and vacate all his orders (Docket Item #71) is **Moot**.

The status of the case now is as follows:

**1.** The Edward and Iolanda Ponte Memorial Trust is in default. See entry of default of May 11, 2000 (Docket Item #13).

**2.** Iolanda Ponte, Trustee, and the Edward and Iolanda Ponte Memorial Trust, on the one hand, and the United States, on the other hand, entered into a settlement agreement that was filed with the court on May 1, 2001 (Docket Item #28). The United States has moved to enforce that settlement agreement (Docket Item #31), or in the alternative to enter default judgment against Iolanda Ponte and the Edward and Iolanda Ponte Memorial Trust. That motion is in order for

hearing.

**3.** The Samsara Memorial Trust is in default on the Amended Complaint (Docket Item #38). See entry of default of April 11, 2002 (Docket Item #45).

**4.** Paula (Fauna) Stone, Trustee, is in default on the Amended Complaint. See entry of default of April 11, 2002.

**5.** Iolanda Ponte, Trustee, is in default on the Amended Complaint. See entry of default of April 11, 2002.

**6.** The United States' Motion for Default Judgment against Iolanda Ponte, Trustee, the Samsara Memorial Trust, and Paula (Fauna) Stone, Trustee, is in order for hearing (Docket Item #44).

The Clerk's Office shall schedule this case for hearing on the motions for enforcement of settlement agreement and to enter default judgments.

The defendants are reminded once again that the Trusts, which have already been defaulted, cannot be represented in federal court by laypeople, but only by duly licensed lawyers admitted to practice in this court.

All parties are placed on notice that this case, which is now almost three years old, will not be allowed to languish further.

**So ORDERED.**

**DATED THIS 4TH DAY OF NOVEMBER, 2002.**

---

**D. BROCK HORNBY**  
**UNITED STATES CHIEF DISTRICT JUDGE**

U.S. District Court  
District Of Maine (Bangor)  
Civil Docket For Case #: 99-Cv-281

UNITED STATES OF AMERICA  
Plaintiff

James M. Moore, Esq.  
Assistant United States Attorney  
United States Attorney's Office  
P.O. Box 2460  
Bangor, ME 04402-2460  
(207) 945-0344

v.

Iolanda Ponte, Trustee  
Default Defendant

Iolanda Ponte, Pro Se  
182 Otter Cliff Road  
Bar Harbor, ME 04609

and

Edward And Iolanda Ponte  
Memorial Trust  
Default Defendant

and

Paula Stone, as Trustee of the  
Samsara Memorial Trust  
Default Defendant

Paula Stone, Pro Se  
182 Otter Cliff Road  
Bar Harbor, ME 04609

Samsara Memorial Trust  
Default Defendant