

# In the United States Court of Federal Claims

NOT FOR PUBLICATION  
No. 05-544C  
(Filed May 30, 2006)

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**BILLE HOUGART,** \*  
D.B.A. CICATRIX, INC., \*  
\*  
Plaintiff, \*  
\*  
v. \*  
\*  
**THE UNITED STATES,** \*  
\*  
Defendant, \*  
\*  
\*\*\*\*\* \*

## ORDER

Mister Hougart, acting *pro se* and identifying himself as Cicatrix, Inc., filed a complaint alleging that the Federal Labor Relations Authority breached a contract with Cicatrix for the provision of “an agency-wide files and records inventory which would facilitate the subsequent design and implementation of the Federal Labor Relations Authority Vital Records Program.” *See Compl. at Ex. 2.*

Defendant has rightfully identified two defects in the complaint. First, plaintiff appears to be seeking a court order remanding the case to an alternative dispute resolution process rather than directly seeking a money damages determination in this Court. Plaintiff’s complaint, however, demonstrates that Cicatrix presented a claim for money damages to the Contracting Officer, *Compl. at Ex. 5*, and that the Contracting Officer issued a final decision denying the claim. *Compl. at Ex. 1*. Under the Contract Disputes Act, 41 U.S.C. §§ 601-13, a contractor may appeal the Contracting Officer’s decision to our Court if such an appeal is filed within twelve months of the Contracting Officer’s decision. *Id.* at § 609(a)(3). Plaintiff has identified facts that, if proven, are sufficient to establish jurisdiction under the Contract Disputes Act. Plaintiff timely filed his complaint, and, given plaintiff’s *pro se* status, the Court would normally allow him to proceed -- under the federal courts’ approach to notice pleading, and the leniency given *pro se* litigants, *see Young v. United States*, 60 Fed. Cl. 418, 426 (2004), plaintiff’s description of the manner in which he hopes to obtain the requested damages could be excused. Plaintiff’s *pro se* status, however, is itself the second defect in his complaint.

The FLRA contracted with Cicatrix, not Mr. Hougart. Cicatrix, thus, is the real party in interest, not Mr. Hougart, and the Court's rules require actions to be prosecuted in the name of the real party in interest. Rules of the Court of Federal Claims ("RCFC") 17(a). Generally, an individual is permitted to proceed *pro se*, but the Court's rules prohibit corporations from acting *pro se*. RCFC 83.1(c)(8) ("An individual may represent oneself or a member of one's immediate family as a party before the court. Any other party, however, must be represented by an attorney who is admitted to practice in this court. *A corporation may only be represented by counsel.*" (emphasis added)). Because Cicatrix is the real party in interest, the action must be prosecuted in its name; and because Cicatrix is a corporation, it must be represented by counsel.

Plaintiff's errors in pleading are not necessarily fatal to this claim. Under RCFC 17(a), "[n]o action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest." The Court hereby **STAYS** this action for **sixty days** to allow Cicatrix time to retain counsel, and to file an amended complaint signed by a member of this Court's bar. Failure to file an amended complaint on or by **Monday, July 31, 2006**, will result in dismissal under RCFC 17(a).

**IT IS SO ORDERED.**

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**VICTOR J. WOLSKI**

Judge