

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Coldstream Ministries, A Private Ecclesiastical Trust, By and
Through Its Trustees, Daman-Thomas: Caldwell and Jennifer-Leigh:
Caldwell, Appearing in Propria Persona, Sui Juris v. Regions Bank,
N.A., A National Banking Association

Coldstream Ministries v. Regions Bank · No. 2:25-cv-993-KCD-DNF · Decided December 8, 2025

SUMMARY

The United States District Court for the Middle District of Florida struck the complaint filed by trustees appearing without counsel on behalf of a private ecclesiastical trust. The court held that nonlawyer trustees may not represent the trust in federal court, required the trust to obtain counsel and file an amended pleading by January 5, 2026, and denied pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	December 8, 2025
DOCKET	2:25-cv-993-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	The district court addressed an action filed on behalf of a trust by nonlawyer trustees appearing pro se. The court struck the complaint as a legal nullity, allowed the trust an opportunity to obtain counsel and file an amended pleading, and denied the pending motions to dismiss and for summary judgment as moot.
PRECEDENTIAL VALUE	Unknown

PARTIES

Coldstream Ministries, A Private Ecclesiastical Trust, By and Through Its Trustees, Daman-Thomas: Caldwell and Jennifer-Leigh: Caldwell, Appearing in Propria Persona, Sui Juris v. Regions Bank, N.A., A National Banking Association

TOPICS

trusts pleadings civil procedure motions to dismiss summary judgment

PRACTICE AREAS

civil procedure trusts legal ethics and unauthorized practice of law

QUESTIONS PRESENTED

1. Whether nonlawyer trustees may represent a trust in federal court without licensed counsel.
2. Whether a complaint filed on behalf of a trust by nonlawyer trustees must be treated as a legal nullity and disregarded.
3. What relief should be granted concerning the pending motions to dismiss and for summary judgment after the complaint is struck.

HOLDINGS

1. A nonlawyer trustee may sue on behalf of a trust as the real party in interest under Federal Rule of Civil Procedure 17, but Rule 17 does not authorize the trustee to serve as legal counsel or otherwise represent the trust in court.
2. A complaint filed by nonlawyer trustees in the name of the trust is a legal nullity and must be disregarded; the complaint was therefore struck.
3. The defendant's motion to dismiss and the plaintiff's motion for summary judgment were denied as moot pending the appearance of counsel for the trust.

KEY QUOTATIONS

“Although Rule 17 of the Federal Rules of Civil Procedure allows a trustee to sue on behalf of the trust (the real party in interest), Rule 17 does not confer upon the trustee the right to serve as legal counsel for the trust.” (Order)

“Thus, the complaint filed by Daman-Thomas and Jennifer-Leigh Caldwell on behalf of the trust is a legal nullity that must be disregarded.” (Order)

FACTUAL BACKGROUND

Coldstream Ministries is described as a private ecclesiastical trust acting through trustees Daman-Thomas Caldwell and Jennifer-Leigh Caldwell. The trustees filed the complaint without a lawyer and purported to appear in propria persona on behalf of the trust. The court treated the filing as representation of an entity by nonlawyers rather than personal self-representation.

PROCEDURAL HISTORY

The trustees filed the complaint on behalf of Coldstream Ministries without counsel. Regions Bank filed a motion to dismiss, and the plaintiff filed a motion for summary judgment. The court determined that the nonlawyer trustees could not represent the trust, struck the complaint, gave the trust until January 5, 2026, to obtain counsel and file an amended pleading, and denied both pending motions as moot.

DISPOSITION

other

CASES CITED

- Devine v. Indian River Cnty. Sch. Bd., 121 F.3d 576, 581 (11th Cir. 1997)
- Winkelman ex rel. Winkelman v. Parma City Sch. Dist., 550 U.S. 516 (2007)
- J.J. Rissell, Allentown, PA Tr. v. Marchelos, 976 F.3d 1233, 1236 (11th Cir. 2020)
- Wheat v. United States, 486 U.S. 153, 159 (1988)
- FuQua v. Massey, 615 F. App'x 611, 613 (11th Cir. 2015)
- Timson v. Sampson, 518 F.3d 870, 873 (11th Cir. 2008)
- Knoefler v. United Bank of Bismarck, 20 F.3d 347, 347-48 (8th Cir. 1994)
- Withers v. Bradshaw, No. 20-13845-D, 2021 WL 1525484, at *1 (11th Cir. Mar. 3, 2021)
- Hernandez v. Espinosa, No. 08-22768-CIV, 2008 WL 4540990, at *1 (S.D. Fla. Oct. 9, 2008)
- Simon v. Leaderscape LLC, No. 06-80797-CIV, 2007 WL 1879393, at *1 (S.D. Fla. June 26, 2007)
- Dey v. JP Morgan Chase Bank & Co., No. 3:24-cv-987-MMH-SJH, 2025 WL 813829, at *3-4 (M.D. Fla. Jan. 13, 2025)
- Skipper v. Shell Point Mortg. Servicing, LLC, No. 4:25-CV-261-RH/MJF, 2025 WL 1824835 (N.D. Fla. June 30, 2025)

OPINION

Coldstream Ministries, A Private Ecclesiastical Trust, By and Through Its Trustees, Daman-Thomas: Caldwell and Jennifer-Leigh: Caldwell, Appearing in Propria Persona, Sui Juris v. Regions Bank, N.A., A National Banking Association

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

COLDSTREAM MINISTRIES, A

PRIVATE ECCLESIASTICAL

TRUST, BY AND THROUGH ITS

TRUSTEES, DAMAN-THOMAS:

CALDWELL AND JENNIFER-

LEIGH: CALDWELL, APPEARING
IN PROPRIA PERSONA, SUI
JURIS,
Plaintiff, Case No. 2:25-cv-993-KCD-DNF v.
REGIONS BANK, N.A., A
NATIONAL BANKING
ASSOCIATION,
Defendant. /
ORDER

Coldstream Ministries, proceeding without a lawyer, is a “private ecclesiastical trust domiciled within the Florida Republic, acting by and through its living trustees, Daman-Thomas: Caldwell and Jennifer-Leigh: Caldwell.” (Doc. 1 at 2.) Although Rule 17 of the Federal Rules of Civil Procedure allows a trustee to sue on behalf of the trust (the real party in interest), Rule 17 does not confer upon the trustee the right to serve as legal counsel for the trust. See *Devine v. Indian River Cnty. Sch. Bd.*, 121 F.3d 576, 581 (11th Cir. 1997) (explaining that Rule 17 “permits authorized representatives ... to sue on behalf of [the person or entity for whose benefit the action is brought], but does not confer any right upon such representatives to serve as legal counsel”), overruled in part on other grounds, *Winkelman ex rel. Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007). “[A] nonlawyer trustee has no authority to represent a trust in court.” *J.J. Rissell, Allentown, PA Tr. v. Marchelos*, 976 F.3d 1233, 1236 (11th Cir. 2020); see also *Wheat v. United States*, 486 U.S. 153, 159 (1988) (noting that “an advocate who is not a member of the bar may not represent clients (other than himself) in court”). The right to appear pro se is limited to parties conducting their own cases and does not extend to non-attorney parties representing the interests of others. *FuQua v. Massey*, 615 F. App’x 611, 613 (11th Cir. 2015); *Timson v. Sampson*, 518 F.3d 870, 873 (11th Cir. 2008) (noting that although 28 U.S.C. § 1654 allows parties to conduct their own cases personally, that right “does not extend to the representation of the interests of others”); *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 347-48 (8th Cir. 1994) (“A nonlawyer, such as these purported ‘trustee(s) pro se’ has no right to represent another entity, i.e., a trust, in a court of the United States.”); see also, e.g., *Withers v. Bradshaw*, No. 20-13845-D, 2021 WL 1525484, at *1 (11th Cir. Mar. 3, 2021). Thus, the complaint filed by Daman-Thomas and Jennifer-Leigh Caldwell on behalf of the trust is a legal nullity that must be disregarded. See *Hernandez v. Espinosa*, No. 08-22768-CIV, 2008 WL 4540990, at *1 (S.D. Fla. Oct. 9, 2008) (quoting *Simon v. Leaderscape LLC*, No. 06-80797-CIV, 2007 WL 1879393, at *1 (S.D. Fla. June 26, 2007) (“a pleading signed in the corporate name by one of its agents or officials is a nullity, and must be disregarded”)); *Dey v. JP Morgan Chase Bank & Co.*, No. 3:24-cv-987-MMH-SJH, 2025 WL 813829, at *3-4 (M.D. Fla. Jan. 13, 2025); *Skipper v. Shell Point Morig. Servicing, LLC*, No. 4:25-CV-261-RH/MJF, 2025 WL 1824835 (N.D. Fla. June 30, 2025). It is ORDERED:

1. The Clerk is directed to STRIKE Plaintiffs complaint (Doc. 1).

2. If Plaintiff desires to proceed with this action, it must obtain counsel

by January 5, 2026, and counsel must file an amended pleading by that date. Failure to obtain counsel will result in the case being closed without further notice.

3. Defendant's motion to dismiss (Doc. 7) and Plaintiff's motion for

summary judgment (Doc. 13) are DENIED AS MOOT pending the appearance of counsel on Plaintiffs behalf. ENTERED in Fort Myers, Florida on December 8, 2025. KyleC.Dudek United States District Judge