

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Joseph Giangrande and Organic Outpost, Inc. d/b/a Joe the Grower
& Organic Outpost v. Dutchess County, NY, et al.

Giangrande · No. 25-CV-05080 (PMH) · Decided December 2, 2025

SUMMARY

The United States District Court for the Southern District of New York granted Jimmy Miguel Santos’s application to withdraw as counsel after his suspension from practicing law and stayed the action for thirty days to allow the plaintiffs to obtain substitute counsel. The court directed Organic Outpost, Inc. to appear through licensed counsel and directed Joseph Giangrande either to retain counsel or notify the court of his intent to proceed pro se by December 31, 2025, warning that noncompliance could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Philip M. Halpern
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 2, 2025
DOCKET	25-CV-05080 (PMH)
DISPOSITION	other
PROCEDURAL POSTURE	After Defendants removed the action from New York state court, they indicated an intention to move to dismiss. The Court granted Plaintiffs additional time to obtain new counsel and file an amended complaint, but Plaintiffs failed to do so. The Court sua sponte ordered Plaintiffs to obtain counsel and amend their pleading, then issued this order granting outgoing counsel's withdrawal, staying the action for thirty days, and setting deadlines to cure representation and filing defects.
PRECEDENTIAL VALUE	unpublished
PARTIES	Joseph Giangrande, Organic Outpost, Inc. d/b/a Joe the Grower & Organic Outpost v. Dutchess County, NY, et al.

TOPICS

civil procedure

pleadings

corporate law

commercial litigation

PRACTICE AREAS

civil procedure

corporate law

commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiffs' counsel's application to withdraw should be granted after counsel's suspension and failure formally to withdraw.
2. Whether the action should be stayed to permit Plaintiffs to obtain substitute counsel and comply with the Court's orders.
3. Whether Organic Outpost, Inc., a corporation, must appear through licensed counsel and may be dismissed if it fails to cure its lack of representation.
4. Whether Joseph Giangrande must retain counsel or notify the Court of his intent to proceed pro se and provide a current mailing address, subject to possible dismissal under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. The Court construed Santos's letter as an application to withdraw and granted the application, directing the Clerk to terminate Santos as counsel of record.
2. Organic Outpost, Inc., as a corporation, must appear in federal court through a licensed attorney and may not proceed pro se.
3. Giangrande was required by December 31, 2025, either to retain counsel and have counsel file a notice of appearance or to notify the Court in writing that he intends to proceed pro se and provide his correct current mailing address.

KEY QUOTATIONS

“corporation, which is an artificial entity, may only appear in federal court through a licensed attorney; a corporation may not appear pro se.”

“This action is hereby stayed for a period of thirty days to enable Plaintiffs to obtain substitute counsel.”

FACTUAL BACKGROUND

Plaintiffs filed suit against Dutchess County and other defendants in New York state court, after which Defendants removed the action to federal court. Plaintiffs' attorney, Jimmy Miguel Santos, informed the Court that he would be suspended from practicing law beginning August 15, 2025. Plaintiffs did not obtain substitute counsel or file the required amended complaint despite multiple extensions, orders, mailed notice, and a warning that noncompliance could result in dismissal.

PROCEDURAL HISTORY

Plaintiffs commenced the underlying action in the Supreme Court of the State of New York, Dutchess County, on March 25, 2025. Defendants removed the action to the Southern District of New York on June 17, 2025. After Plaintiffs' counsel disclosed his impending suspension, the Court granted extensions and directed Plaintiffs to obtain new counsel and file an amended complaint. Plaintiffs failed to comply, and after mailed notice and no further docket activity, the Court granted counsel's withdrawal, stayed the case for thirty days, and imposed deadlines for representation and compliance, warning that dismissal could follow.

DISPOSITION

other

CASES CITED

- Matter of Santos, 238 N.Y.S.3d 317, 320 (2d Dep't 2025)
- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 202 (1993)
- Jones v. Niagara Frontier Transportation Authority, 722 F.2d 20, 22-23 (2d Cir. 1983)
- Grace v. Bank Leumi Trust Co. of NY, 443 F.3d 180, 192 (2d Cir. 2006)
- Steadman v. Citigroup Global Markets Holdings Inc., 592 F. Supp. 3d 230, 239-40 (S.D.N.Y. 2022)

OPINION

Giangrande

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

JOSEPH GIANGRANDE and ORGANIC

OUTPOST, INC. d/b/a JOE THE GROWER &

ORGANIC OUTPOST,

Plaintiff, ORDER -against- 25-CV-05080 (PMH) DUTCHESS COUNTY, NY, et al., Defendants. PHILIP M. HALPERN, United States District Judge: On March 25, 2025, Joseph Giangrande (“Giangrande”) and Organic Outpost, Inc. d/b/a Joe the Grower & Organic Outpost (“Organic Outpost, Inc.” and together, “Plaintiffs”) filed a lawsuit against Defendants in the Supreme Court of the State of New York, County of Dutchess (the “Underlying Action”). (See Doc. 1-1). Subsequently, on June 17, 2025, Defendants removed this action to this Court. (Doc. 1; Doc. 4). On July 24, 2025, Defendants filed pre-motion conference request letters in anticipation of their respective motions to dismiss. (See Doc. 9; Doc. 11; Doc. 12). On July 29, 2025, in response to Defendants’ letters, Plaintiffs’ counsel, Jimmy Miguel Santos (“Santos”), informed the Court that effective August 15, 2025, he would be suspended from the practice of law for one year, and therefore requested a thirty (30) day extension of time for Plaintiffs to file an Amended Complaint. (Doc. 13; Doc. 14). On July 30, 2025, the Court granted Plaintiffs’ counsel’s request, afforded Plaintiffs until August 28, 2025 to file an Amended Complaint, and denied the Defendants’

respective letter motions (Does. 9, 11, and 12), without prejudice to renew. (Doc. 15). On August 27, 2025, Giangrande requested additional time to file the Amended Complaint (Doc. 16). The Court granted such relief on September 2, 2025, and directed Plaintiffs to “obtain new counsel and file an amended complaint” by September 30, 2025. (Doc. 17). As of September 30, 2025, Plaintiffs had not filed an Amended Complaint or requested any additional time to do so. Therefore, on October 2, 2025, the Court sua sponte directed Plaintiffs to, by October 31, 2025, a) obtain new counsel; and b) file an Amended Complaint. (Doc. 18). The Court directed both Santos and the Clerk of Court to serve both Orders (Doc. 18 and Doc. 17) upon Plaintiffs at 1127 Route 216 Poughquag, NY 12570. (Doc. 18). The Court also warned that failure to comply with the Order may result in dismissal of the action. Ud.). On October 8, 2025, the Clerk of Court filed notice that Docs. 17 and 18 had been mailed to the address indicated above. (See 10/8/2025 ECF Entry). There has been no activity on the docket since then. Despite his suspension from practice and notice to the Court, Santos has failed to formally withdraw from this action as counsel for Plaintiffs (see Doc. 13).! As Santos improperly remains counsel of record, having failed to move to be relieved and taking no steps to advance this action on Plaintiffs’ behalf, the Court construes Santos’ letter as an application to withdraw as counsel. (Doc. 13). Santos’ application to withdraw as counsel is GRANTED. Accordingly, the Clerk of Court is respectfully directed to terminate as counsel in this action Jimmy Miguel Santos. This action is hereby stayed for a period of thirty days to enable Plaintiffs to obtain substitute counsel. Plaintiff Organic Outpost, Inc., a corporation, must obtain representation through a licensed attorney to appear in this case, as it is well-settled that a “corporation, which is an artificial entity, may only appear in federal court through a licensed attorney; a corporation may not appear pro se.” See 28 U.S.C. § 1654; *Rowland v. California Men's Colony, Unit IT Men’ Advisory Council*, 506 U.S. 194, 202 (1993); *Jones v. Niagara Frontier Transp. Authority*, 722 ' The Court takes judicial notice of the Opinion & Order of the Appellate Division of the Supreme Court of the Second Judicial Department, dated July 16, 2025, suspending Jimmy Miguel Santos from the “practice of law for a period of one year, commencing August 15, 2025.” *Matter of Santos*, 238 N.Y.S.3d 317, 320 (2d Dep’t 2025). *F.2d 20, 22-23* (2d Cir. 1983). This “rule has been applied to dismiss any action or motion filed by a corporation purporting to act pro se.” *Grace v. Bank Leumi Trust Co. of NY*, 443 F.3d 180, 192 (2d Cir. 2006). Organic Outpost, Inc. is warned that unless it cures this defect and appears through counsel by December 31, 2025, it will be dismissed as a named plaintiff, along with any of the claims pursued on its behalf. *Steadman v. Citigroup Global Markets Holdings Inc.*, 592 F. Supp. 3d 230, 239-40 (S.D.N.Y. 2022). Additionally, by December 31, 2025, Giangrande is directed to either: a) retain counsel and have counsel file a notice of appearance in this matter; or b) advise the Court in writing of his intent to proceed in this action pro se and provide the Court his correct current mailing address. Giangrande’s failure to comply with this Order, including advising the Court of his address, may result in dismissal of this action pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is respectfully requested to mail a copy of this Order to Plaintiffs at

1127 Route 216 Poughquag, NY 12570 and note service on the docket. Jimmy Miguel Santos, as outgoing counsel, is also directed to mail a copy of this Order to Plaintiffs at the same address listed above and note service on the docket. SO ORDERED. Dated: White Plains, New York December 2, 2025 ily

PHILIP M. HALPERN = = _____

United States District Judge