

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PRECEDENTIAL VALUE	unpublished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)