

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK

Christopher Creagh v. Espiritus LLC and Jay S. Maltby

Creagh · No. 25-CV-5459 (VEC) · Decided December 1, 2025

SUMMARY

The court orders Plaintiff Christopher Creagh to file an affidavit detailing attorneys’ fees accrued when the complaint was filed, for purposes of determining whether the amount-in-controversy requirement is satisfied. The order follows the appearance of counsel for Espiritus LLC, which previously could not proceed pro se through its sole member.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Valerie Caproni                                                                                                                                                                                                                                                                                                                                                                                  |
| JURISDICTION          | United States District Court for the Southern District of New York                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | December 1, 2025                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | 25-CV-5459 (VEC)                                                                                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff filed an amended complaint alleging federal jurisdiction. Defendant Jay S. Maltby, proceeding pro se, moved to dismiss for lack of subject matter jurisdiction on behalf of both defendants. The court issued an order after counsel appeared for Defendant Espiritus LLC, requiring Plaintiff to submit an affidavit concerning attorneys' fees accrued when the complaint was filed. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                  |

TOPICS

- subject matter jurisdiction
- motions to dismiss
- attorney fees
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether a limited liability company may appear in federal court through a nonlawyer member proceeding pro se.
2. Whether Plaintiff should be required to document attorneys' fees accrued at the time of filing for purposes related to the amount-in-controversy requirement.

## HOLDINGS

1. A limited liability company may appear in federal court only through a licensed attorney.

## KEY QUOTATIONS

*“a limited liability company may appear in federal court only through a licensed attorney”* (at 1)

## FACTUAL BACKGROUND

Plaintiff's amended complaint alleged that Espiritus LLC is a limited liability company and that Jay S. Maltby is its sole member. Maltby moved to dismiss on behalf of both defendants, arguing that the amount in controversy was insufficient for federal subject matter jurisdiction. After the LLC obtained counsel, the court required Plaintiff to document attorneys' fees accrued as of the complaint's filing date.

## PROCEDURAL HISTORY

Plaintiff filed the complaint on July 1, 2025, and later filed an amended complaint. Maltby filed a motion to dismiss for lack of subject matter jurisdiction, asserting that the amount-in-controversy requirement was not satisfied. The court previously ordered Espiritus LLC to retain counsel or show cause why default judgment should not be entered, and counsel subsequently appeared for the LLC. The court ordered Plaintiff to file an affidavit detailing attorneys' fees accrued at the time of filing.

## DISPOSITION

other

## CASES CITED

- Lattanzio v. COMTA, 481 F.3d 137, 140 (2d Cir. 2007)