

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

OPINION

UNITED STATES DISTRICT COURT DOCUMENT SOUTHERN DISTRICT OF NEW YORK
ELECTRONICALLY FILED DOC #: ----- X
DATE FILED: 12/1/2025 CHRISTOPHER CREAGH,; Plaintiff,; 25-CV-5459 (VEC) -against::
ORDER ESPIRITUS LLC and JAY S. MALTBY,; Defendants.: -----
----- X VALERIE CAPRONI, United States District Judge: WHEREAS Plaintiff
filed an Amended Complaint alleging Defendant Espiritus LLC is a limited liability company and
Defendant Jay S. Maltby is its sole member, Dkt.

7; WHEREAS Defendant Maltby filed, pro se, a Motion to Dismiss for lack of subject matter
jurisdiction on behalf of both Defendants, alleging that the amount in controversy requirement
was not satisfied, Dkts. 11-13; WHEREAS Plaintiff opposed Defendants' Motion to Dismiss,
alleging that the amount in controversy was satisfied, Dkt. 14; WHEREAS a limited liability
company may appear in federal court only through a licensed attorney, see *Lattanzio v. COMTA*,
481 F.3d 137, 140 (2d Cir.

2007) (interpreting 28 U.S.C. § 1654); WHEREAS this Court ordered Defendant Espiritus LLC to
either retain counsel or show cause why default judgment should not be entered against it; and
WHEREAS counsel has now appeared for Defendant Espiritus LLC. IT IS HEREBY ORDERED
that no later than Monday, December 8, 2025, Plaintiff must file an affidavit attesting to the
amount of attorneys' fees accrued at the time of the filing of the Complaint, Dkt.

1, on July 1, 2025. Plaintiff should include—in this affidavit or an exhibit—the date, timekeeper,
description of the task, time spent, hourly rate, and fee extended for each relevant billing entry. SO
ORDERED. Vode or Date: December 1, 2025 VALERIE CAPRONI New York, New York United
States District Judge