

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 :
 MARLON BERNIER, WILFREDO RAMOS, :
 CARLOS SIERRA, and JOSE FRANCISCO :
 LABORIEL, *individually and on behalf of* :
others similarly situated, :
 :
 Plaintiffs, :
 :
 -against- :
 :
 :
 GARD RECYCLING, INC., et al., :
 :
 Defendants. :
 ----- X

23-CV-761 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On September 19, 2024, I granted counsel Nolan Klein’s motion to withdraw as counsel for Defendants Gard Recycling, Inc.; DRC Group, Inc.; Beverage Container Recycling Corporation; Guastavo Rodriguez; and Alex Doljansky, and ordered Mr. Rodriguez and Mr. Doljansky to file a letter by September 30, 2024 stating whether they intend to obtain new counsel or proceed pro se. (Doc. 52.) I noted that “the corporate Defendants must have counsel or they will be subject to a potential motion for a default judgment.” (*Id.*) I also ordered that “[t]o the extent Mr. Rodriguez and Mr. Doljansky intend to obtain counsel either for themselves and/or for the corporations they have until October 30, 2024 to retain counsel.” (*Id.*) To date, Mr. Rodriguez and Mr. Doljansky have not filed a letter stating whether they intend to obtain new counsel or proceed pro se.

Accordingly, it is hereby:

ORDERED that Defendants Mr. Rodriguez and Mr. Doljansky file a letter by October 31, 2024 stating whether they intend to obtain new counsel or proceed pro se. However, Mr. Rodriguez and Mr. Doljansky cannot represent the corporations pro se in federal court. *Jones v.*

Niagara Frontier Transp. Auth., 722 F.2d 20, 22 (2d Cir. 1983). Therefore, the corporate Defendants must have counsel or they will be subject to a potential motion for a default judgment. To the extent that Mr. Rodriguez and Mr. Doljansky intend to obtain counsel either for themselves and/or for the corporations, they have until November 30, 2024 to retain counsel.

ORDERED that if Plaintiff intends to seek a default judgment, he is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases (1) only if Mr. Rodriguez and Mr. Doljansky fails to file a letter by October 31, 2024 stating whether they intend to obtain new counsel or proceed pro se and (2) by no later than November 18, 2024. If Plaintiff fails to do so or otherwise demonstrates that he does not intend to prosecute, I will dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

ORDERED that the post-discovery conference scheduled for October 29, 2024 is hereby adjourned sine die.

SO ORDERED.

Dated: October 24, 2024
New York, New York

A handwritten signature in black ink that reads "Vernon Broderick". The signature is written in a cursive, slightly slanted style.

Vernon S. Broderick
United States District Judge