

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SETH SCHEIBEL,

Plaintiff,

v.

Case No: 6:23-cv-567-UAM

**MICHAEL GRILLAKIS, BONNIE
GRILLAKIS, JOHN GRILLAKIS, and
STRAIGHT OUTTA PHILLY, LLC,**

Defendants.

ORDER

This cause is before the Court *sua sponte* upon review of the docket. The case is currently set for a bench trial on March 24, 2025 and March 25, 2025. (Doc. 67). Previously, the Court noted that while individual Defendants Michael Grillakis, Bonnie Brillakis, and John Grillakis may proceed *pro se*, corporate Defendant Straight Outta Philly, LLC can be heard only through counsel admitted to this Court. (*See* Doc. 66). To date, it appears that Straight Outta Philly, LLC is proceeding without an attorney, which is barred by the Local Rules. *See* M.D. Fla. Local Rule 2.02(b)(2) (“A party, other than a natural person, can appear through the lawyer only.”).

By way of background, Defendants Michael Grillakis, Bonnie Brillakis, John Grillakis, and Straight Outta Philly, LLC initially appeared by and through counsel, Allan Whitehead, through its motion to dismiss filed on May 19, 2023. (Doc. 9). Over one year later, on August 30, 2024, Mr. Whitehead filed an amended motion¹ to withdraw as counsel

¹ On August 26, 2024, Mr. Whitehead filed a motion to withdraw as counsel for Defendants

for Defendants, seeking withdrawal due to irreconcilable differences. (Doc. 65).² On September 4, 2024, the Court granted Mr. Whitehead’s amended motion to withdraw as counsel, terminating his representation of Defendants in the case. (Doc. 66). Specifically in its Order, the Court reminded Straight Outta Philly, LLC that pursuant to Local Rule 2.02(b)(2), it “may not defend itself in this case except through an attorney who is a member of the bar of this Court,” and cautioned that “[u]nless Straight Outta Philly, LLC obtains new counsel, admitted to practice in this Court, **it may suffer adverse rulings including, without limitation, default and the entry of default judgment against it.**” (*Id.* at p. 2) (emphasis in original).³

Despite the Court’s warning to Straight Outta Philly, LLC that it can only appear and be heard through counsel, Straight Outta Philly, LLC has not obtained new counsel, as no notice of appearance has been filed to date. As such, if Straight Outta Philly, LLC would like to defend itself in this action, it must secure counsel. *See* Local Rule 2.02(b)(2); *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (“The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear *pro se*, and must be represented by counsel.”); *Energy Lighting Mgmt., LLC v. Kinder*, 363 F. Supp. 2d 1331, 1332 (M.D. Fla. 2005) (applying the prior version of Local Rule 2.02(b)(2) to limited liability companies).

(Doc. 63), which the Court denied without prejudice for failure to comply with Local Rule 3.01(g) (Doc. 64).

² In the amended motion, Mr. Whitehead affirmed that Straight Outta Philly, LLC is “an entity that can only be represented by an attorney,” and as such, “the Court may similarly direct the LLC to retain new counsel by a specified deadline.” (*Id.* at p. 7).

³ The docket reflects that the Court’s Order was sent to Defendants at the address provided (i.e., 3986 Haynes Circle, Casselberry, FL 32707).

Accordingly, on or before **January 21, 2025**, corporate Defendant Straight Outta Philly, LLC shall retain counsel and such counsel shall file a notice of appearance. Should corporate Defendant Straight Outta Philly, LLC fail to retain counsel within the time prescribed, Plaintiff Seth Scheibel shall move for default within **7 days** thereafter.

Further, so that the Court can prepare for the currently scheduled trial, by **January 21, 2025**, the individual Defendants Michael Grillakis, Bonnie Brillakis, and John Grillakis shall file a notice of appearance of new counsel **or** notify the Court that they intend to continue to proceed *pro se* through and including at trial.

The Clerk is **directed** to send a copy of this Order to Defendants Michael Grillakis, Bonnie Brillakis, John Grillakis, and Straight Outta Philly, LLC at the following address for service: 3986 Haynes Circle, Casselberry, FL 32707. The Clerk is also directed to send the same by electronic mail to Defendants Michael Grillakis, Bonnie Brillakis, John Grillakis, and Straight Outta Philly, LLC at the following email address: bgrill40@aol.com.

DONE and **ORDERED** in Ocala, Florida on January 6, 2025.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties