

BrainyMed Inc. v RxCare AI Inc.

2025 NY Slip Op 34257(U)

November 6, 2025

Supreme Court, New York County

Docket Number: Index No. 659696/2024

Judge: Emily Morales-Minerva

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. EMILY MORALES-MINERVA PART 42M

Justice

-----X

BRAINYMED INC, SASIDHAR PAMGANAMAMULA,

Petitioners,

- v -

RXCARE AI INC, GUSTAVIUS SMITH,

Respondents.

-----X

INDEX NO. 659696/2024

02/10/2025,

02/24/2025,

MOTION DATE 02/24/2025

MOTION SEQ. NO. 001, 002, 003

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 14, 15, 16, 17, 18, 22, 28, 29, 30, 31

were read on this motion to/for VACATE - DECISION/ORDER/JUDGMENT/AWARD.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 20, 21, 23, 24, 25, 26, 27

were read on this motion to/for SANCTIONS.

The following e-filed documents, listed by NYSCEF document number (Motion 003) 20, 21, 23, 24, 25, 26, 27

were read on this motion to/for SUMMARY JUDGMENT (AFTER JOINDER).

APPEARANCES:

Sasidhar Pamganamamula, self-represented.

Gustavius Smith, self-represented.

HON. EMILY MORALES-MINERVA, J.S.C.

The court dismisses this a special proceeding, pursuant to article 75 of the CPLR (see CPLR § 7501 et seq.), as a nullity. Neither petitioner SASIDHAR PAMGANAMAMULA (Pamganamamula), founder and chief architect of BRAINYMED, INC. (BrainyMed) nor respondent GUSTAVIS SMITH (Smith), founder and chief executive

officer of RXCARE.AI LLC (RxCare), have authority to seek any relief in court on behalf of said corporation or limited liability company.

It is black letter law that only attorneys can represent corporations and limited liability companies in court, except for limited circumstances not applicable here (see CPLR § 321 [a] [governing appearances in court and providing that, except for infants, incompetents and conservatees, a party "may prosecute or defend a civil action in person or by attorney, except that a corporation or voluntary association shall appear by attorney . . ."]; see also Naroor v Gondal, 5 NY3d 757, 757 [2005] [dismissing, on our highest Court's own motion, an appeal purportedly brought on behalf of a corporation, "upon the ground that a corporation must appear by attorney"]; Holtz v Myslabs, Inc., 2025 NY Misc LEXIS 5256, *2 [Sup Ct NY Cnty 2025] [Margaret A. Chan, J.S.C.] [providing, in the context of a special proceeding: "Respondent is a corporation and is therefore required to be represented by counsel; it cannot appear *pro se*"]).

While naming themselves as a petitioner, Pamganamamula is clear that they commenced this special proceeding, as a representative of corporation BrainyMed, seeking confirmation of the arbitration award in favor of BrainyMed, not Pamganamamula as an individual (see New York State Court Electronic Filing

System [NYSCEF] Doc. No. 01, petition to confirm December 16, 2024 arbitration award entered in favor of BrainyMed). Therefore, "the proffered [petition to confirm the arbitration award] is a nullity" (Boente v Peter C. Kurth Office of Architecture and Planning, P.C., 113 AD3d 803, 804 [2d Dept 2014] [holding that "the proffered answer [of corporate defendant] was a nullity, since a corporation must be represented by an attorney and cannot proceed pro se"]; see also Evans v Conley, 124 AD2d 981 [4th Dept 1986] ["by [defendant corporation] appearing pro se, defendant's president violated CPLR 321 and her appearance was a nullity"], Iv to appeal dismissed 69 NY2d 822 [1987]).

Similarly, respondent Smith, as a representative of limited liability company respondent RxCare, seeks to vacate the arbitration award entered against RxCare, not Smith as an individual (see NYSCEF Doc. No. 16, affidavit of Smith in support of motion to vacate arbitration award issued on December 12, 2024, against respondent RxCare). Therefore, Smith's motion to vacate the arbitration award (seq. no. 002) is also nullity (see Manhattan Mini Stor., LLC v Ebrain Consulting, LLC, 62 Misc3d 152 [A], *1 [App Term 1st Dept 2019] [dismissing appeal by limited liability company, not represented by an attorney]).

Finally, to the extent that Pamganamamula filed a motion (seq. no. 003), seeking an order awarding them, as an individual

attorneys' fees, said motion is also dismissed. Pamganamamula is not an attorney representing BrainyMed, Inc. and provides no basis for entitlement to such fees.

Accordingly, it is hereby

ORDERED that the petition (mot. seq. no. 01) to confirm the December 12, 2024 arbitration award is dismissed; it is further

ORDERED that the motion (seq. no. 02) to vacate the December 12, 2024 arbitration award is dismissed; it is further

ORDERED that the motion (seq. no. 03) for sanctions and attorneys' fees is dismissed; it is further

ORDERED that petitioner SASIDHAR PAMGANAMAMULA. shall serve respondent GUSTAVIS SMITH with this order, and notice of entry, within 15 days of such entry, and shall file proof of the same with the Court; and it is further

ORDERED that the Clerk of Court shall mark the file accordingly.

11/06/2025
DATE

Emily Morales-Minerva
EMILY MORALES-MINERVA, J.S.C.

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|------------------------------|------------------------------------------------------------|-------------------------------------------------------|
| CHECK ONE: | <input checked="" type="checkbox"/> CASE DISPOSED | <input type="checkbox"/> NON-FINAL DISPOSITION |
| APPLICATION: | <input type="checkbox"/> GRANTED | <input checked="" type="checkbox"/> DENIED |
| CHECK IF APPROPRIATE: | <input type="checkbox"/> SETTLE ORDER | <input type="checkbox"/> GRANTED IN PART |
| | <input type="checkbox"/> INCLUDES TRANSFER/REASSIGN | <input type="checkbox"/> SUBMIT ORDER |
| | | <input type="checkbox"/> FIDUCIARY APPOINTMENT |
| | | <input type="checkbox"/> OTHER |
| | | <input type="checkbox"/> REFERENCE |