

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

D14376
O/hu

_____AD3d_____

Submitted - February 20, 2007

STEPHEN G. CRANE, J.P.
GLORIA GOLDSTEIN
STEVEN W. FISHER
ROBERT A. LIFSON, JJ.

2006-05351

DECISION & ORDER

Ecaterina Dragutescu, plaintiff, v City of New York,
et al., defendants; Parker & Waichman, LLP, et al.,
nonparty-appellants, Jonah Grossman, et al., nonparty-
respondents.

(Index No. 21644/94)

Parker & Waichman, LLP, and Michael S. Lamonsoff (Arnold E. DiJoseph, P.C.,
New York, N.Y., of counsel), nonparty-appellants pro se.

Dan Mesterman, Jersey City, N.Y., nonparty-respondent pro se.

In an action to recover damages for personal injuries, Parker & Waichman, LLP, and Michael S. Lamonsoff, the plaintiff's former attorneys, appeal from an order of the Supreme Court, Queens County (O'Donoghue, J.), dated March 2, 2006, which, upon the settlement of the action and upon the application by Jonah Grossman, one of the plaintiff's current attorneys, for a division of attorneys' fees, determined, after a hearing, that they had been discharged for cause and, therefore, were not entitled to any part of the attorneys' fees.

ORDERED that the order is affirmed, with costs.

Following the settlement of the plaintiff's personal injury action against the defendant City of New York, a fee dispute arose between the plaintiff's former and current attorneys, and conflicting claims were made as to whether the former attorneys had been discharged with or without cause. The Supreme Court properly held a hearing to resolve the issue (*see Byrne v Leblond*, 25

March 20, 2007

Page 1.

DRAGUTESCU v CITY OF NEW YORK

AD3d 640, 642), and determined that the former attorneys had been discharged for cause. Based on the evidence presented at that hearing, we discern no basis to disturb the Supreme Court's determination (*see Matter of Stevens*, 252 AD2d 654, 655-656).

In light of our determination, we do not address the appellants' remaining contention.

CRANE, J.P., GOLDSTEIN, FISHER and LIFSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court