

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

D24252
G/prt

_____AD3d_____

Argued - June 5, 2009

WILLIAM F. MASTRO, J.P.
RANDALL T. ENG
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2008-07676

DECISION & ORDER

Iakovos Kontarinis, et al., plaintiffs-respondents, v
A.H.A. General Construction, Inc., defendant
third-party plaintiff-respondent; Last Detail General
Contracting, Inc., third-party defendant-respondent;
State Insurance Fund, nonparty-appellant.

(Index No. 6612/96)

Dillon Horowitz & Goldstein LLP, New York, N.Y. (Michael M. Horowitz of
counsel), for nonparty-appellant.

Argyropoulos & Bender, Astoria, N.Y. (Michael S. Bender of counsel), for plaintiffs-
respondents.

In an action to recover damages for personal injuries, etc., nonparty State Insurance
Fund appeals as limited by its briefs, from so much of an order of the Supreme Court, Queens County
(Schulman, J.), entered June 10, 2008, as granted that branch of the plaintiffs' motion which was to
disqualify the counsel that it had designated to represent the third-party defendant.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Under the circumstances, the Supreme Court providently exercised its discretion in
granting that branch of the plaintiffs' motion which was to disqualify trial counsel for the third-party
defendant, Last Detail General Contracting, Inc. (hereinafter Last Detail) (*see* Code of Professional
Responsibility DR 7-101 [22 NYCRR 1200.32], Code of Professional Responsibility DR 4-101[B]
[22 NYCRR 1200.19]; *see also* *Matter of Walden Fed. Sav. & Loan Assn. v Village of Walden*, 212

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AD2d 718; *Severino v DiIorio*, 186 AD2d 178). It is not clear from this record that the attorney for Last Detail advised Last Detail's president that he represented the corporation only.

The appellant's remaining contentions are without merit.

MASTRO, J.P., ENG, BELEN and HALL, 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