

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Scarpulla, J.P., Shulman, O'Neill Levy, Chan, JJ.

6813

AQUILES GOMEZ,
Plaintiff-Respondent,

Index No. 23727/19
Case No. 2025-01612

-against-

EDDY FREMONT et al.,
Defendants-Appellants,

BAKER, McEVOY & MOSKOVITS,
Nonparty Appellant.

Marjorie E. Bornes, Freeport, for appellants.

Order, Supreme Court, Bronx County (John A. Howard-Algarin, J.), entered on or about February 24, 2025, which, to the extent appealed from as limited by the briefs, ordered nonparty Baker, McEvoy & Moskovits to substitute a representative for the deceased defendant Mohammad Javaid, unanimously reversed, on the law with costs, and the order vacated.

The court should not have ordered nonparty law firm—former counsel to deceased defendant Javaid—to substitute a representative for Javaid (*see Wisdom v Wisdom*, 111 AD2d 13, 14-15 [1st Dept 1985]). The death of a party terminates their attorney's power to act on their behalf (*see Snipes v Schmidt*, 166 AD3d 483, 483 [1st

Dept 2018]; *see also* CPLR 1015[a]). The court's power in this circumstance was limited to the procedures outlined in CPLR 1021 (*see* CPLR 1021).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: June 4, 2026

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being more prominent and the last name "Rojas" following in a similar style.

Susanna Molina Rojas
Clerk of the Court