

People v Gendelberg
2016 NY Slip Op 31249(U)
July 5, 2016
Supreme Court, Kings County
Docket Number: 0004557/2016
Judge: Gloria M. Dabiri
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (U), are republished from various state and local government websites. These include the New York State Unified Court System's E-Courts Service, and the Bronx County Clerk's office.
This opinion is uncorrected and not selected for official publication.

Present

HON. GLORIA M. DABIRI

AT IAS PART 72 of the Supreme Court of the State of New York, Kings County Borough of Brooklyn, City of New York, on the 5 day of July 2016

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

-----X
THE PEOPLE OF THE STATE OF NEW YORK, by
ERIC T. SCHNEIDERMAN, Attorney General of the
State of New York,

Index No. 4557/2016

Petitioner,
-against-

**CONSENT ORDER
AND JUDGMENT**

LEONARD GENDELBERG, individually and as sole
owner and principal of METRO ATTORNEYS, LLC.,
and METRO ATTORNEYS, LLC.,

Respondents.
-----X

UPON the Verified Petition of Matthew S. Eubank, Assistant Attorney General of the Brooklyn Regional Office, dated June 23, 2016, and the Stipulation and Consent, dated June 23, 2016, in which Respondents acknowledge receipt of and consent to the entry of this Consent Order and Judgment ("Consent Order"), and Respondents waive both the five-day notice of the commencement of a proceeding to enforce N.Y. General Business Law §349 and the notice of entry thereof,

NOW, on motion of Eric T. Schneiderman, Attorney General of the State of New York, attorney for Petitioner herein (Matthew S. Eubank, Of Counsel) and upon the consent of Leonard Gendelberg, individually and as principal of Metro Attorneys, LLC, it is hereby:

PARTIES SUBJECT TO JUDGMENT

ORDERED AND ADJUDGED, that;

1. This Consent Order shall extend to Metro Attorneys, LLC and that corporation's principals, directors, officers, shareholders, employees, successors, assignees, and agents acting in concert or in participation with them; and to any corporation, company, business entity, or other entity or device through which they may now or hereafter act or conduct business; and it is further

ORDERED AND ADJUDGED, that;

2. This Consent Order shall also extend to Leonard Gendelberg, individually and as principal of Metro Attorneys LLC, and to any corporation, company, business entity, or other entity or device through which he may now or hereafter act or conduct business (Leonard Gendelberg and Metro Attorneys, LLC are hereinafter referred to collectively as "Respondents"); and it is further

INJUNCTIVE RELIEF

ORDERED AND ADJUDGED that;

3. Respondents, individually or operating through any business entity, are permanently enjoined from violation of Article 15 of the N.Y. Jud. Law which prohibits the unlawful practice of law, including but not limited to participating or engaging, in any manner, in holding himself out to be an attorney, holding out any of his businesses as law offices or law firms, or engaging in any legal practice including but not limited to offering legal

opinions or drafting legal pleadings without attorney supervision; and it is further

ORDERED AND ADJUDGED that;

4. Respondents, individually or operating through any business entity, are permanently enjoined from advertising any legal services or legal support unless the advertisement contains a clear and conspicuous statement that (i) Respondents are not licensed attorneys and/or (ii) the advertised business is not a law firm or law office unless Respondents obtain the requisite licensure required to practice law in the State of New York; and it is further

ORDERED AND ADJUDGED that;

5. Respondents, individually or operating through any business entity, are permanently enjoined from advertising any legal services on forums or in media intended specifically for advertisements by attorneys or law firms unless Respondents obtain the licensure required to practice law in the State of New York; and it is further

ORDERED AND ADJUDGED that;

6. Respondents, individually or operating through any business entity, are permanently enjoined from engaging in legal work or tasks which would require licensure as an attorney, including but not limited to drafting pleadings and/or offering legal advice, unless under the supervision of, and at the specific written direction of a licensed attorney, unless Respondents obtain the licensure required to practice law in the State of New York; and it is further

ORDERED AND ADJUDGED that;

7. Respondents, individually or operating through any business entity, are permanently enjoined from engaging in any activity which violates N.Y. Gen. Bus. Law § 350, the prohibition against false advertising, such as advertising using false or misleading language, including but not limited to advertisements which falsely imply Respondents are permitted to practice law and/or that Respondents' businesses are law firms or law offices, or advertising that Respondents have professional credentials they has not obtained; and it is further

ORDERED AND ADJUDGED that;

8. Respondents, individually or operating through any business entity, are permanently enjoined from engaging in activity which violates N.Y. Gen. Bus. Law, Article 28-BB entitled the Credit Repair Business Law, including but not limited to claiming professional credentials Respondents have not obtained in advertisements for credit repair services; and it is further

ORDERED AND ADJUDGED that;

9. Respondents shall identify and remove all advertisements for both Judgment Vacated and Metro Attorneys, LLC, d/b/a Metro Attorneys from professional/business websites, print materials, and social media sites such as LinkedIn, Facebook, Twitter, Instagram, and Youtube; and it is further

ORDERED AND ADJUDGED that;

10. Respondents shall provide a written report to Plaintiff within one hundred and twenty [120] days of the date this Order is entered with the Clerk

of the Court setting forth all measures to remove Judgment Vacated and Metro Attorneys, LLC, d/b/a Metro Attorneys advertising in compliance with the previous provision of this Order; and it is further

RESTITUTION, PENALTIES, AND COSTS

ORDERED AND ADJUDGED that;

11. The payments made to Respondents for legal work from the known consumer have been charged back to the consumer in three separate transactions of: \$1,900; \$1,900; and \$624.81 resolving all known restitution. Respondents shall be assessed an additional civil penalty of five thousand dollars [\$5,000] and statutory costs of two thousand dollars [\$2,000] for a total of seven thousand dollars [\$7,000]. However, the seven thousand dollars [\$7,000] in penalties and costs is suspended barring a future finding by this court in favor of Plaintiff that: (i) Respondents have engaged in the unlawful practice of law in violation of NY Judiciary Law Article 15, or engaged in deceptive business practices or false advertising in violation of NY Gen. Bus. Law, Article 22-A, or (ii) Respondents are in contempt of the terms of this Order; and it is further

ORDERED AND ADJUDGED that;

12 All checks issued pursuant to this Order shall be payable to "State of New York Department of Law;" and it is further

ENFORCEMENT

ORDERED AND ADJUDGED that;

12. Failure to comply with any provision of this Consent Order shall be considered a violation of this Consent Order. The Attorney General may, upon

application with twenty (20) day notice, take any and all other steps available, including contempt, to enforce this Consent Order; and it is further

NOTICES AND CHANGE OF ADDRESS

ORDERED AND ADJUDGED that;

13. Any notices, statements, or other written documents required by this Consent Order shall be provided by first-class mail to the intended recipient at the addresses set forth below, unless a different address is specified in writing by the party changing such address:

For the Petitioner, to:

Eric T. Schneiderman,
Attorney General of the State of New York
Brooklyn Regional Office
55 Hanson Place, Suite 1080
Brooklyn, NY 11217
Attn: AAG Matthew S. Eubank

For the Respondents, to:

Igor Litvak, Esq.
1701 Avenue P
Brooklyn, NY 11229

Such notices, statements, and documents shall be deemed to have been given upon mailing; and it is further

PRIVATE RIGHT OF ACTION

ORDERED AND ADJUDGED that;

14. Nothing herein shall be construed to deprive any person of any right or remedy to pursue a private action against Respondents; and it is further

ORDERED AND ADJUDGED that;

15. Respondents shall notify Petitioner of any change of address within five (5) calendar days; and it is further

RIGHT TO ASSESS COMPLIANCE

ORDERED AND ADJUDGED that;

16. To the extent not already provided under the Order, Respondents shall, upon request from Plaintiff, provide all documentation and information necessary for the Plaintiff to verify compliance with this Order;

ORDERED AND ADJUDGED that;

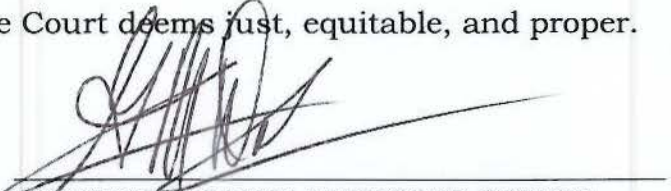
17. This Order does not in any way limit the Plaintiff's right to obtain, by subpoena or and other means permitted by law, documents, testimony, or other information; and it is further Respondents shall notify Petitioner of any change of address within five (5) calendar days;

CONTINUING JURISDICTION

ORDERED AND ADJUDGED that;

18. This Court shall retain jurisdiction of this action for the purpose of carrying out, enforcing, or modifying the terms of this Consent Order and Judgment, or granting such further relief as the Court deems just, equitable, and proper.

Dated: Brooklyn, New York
July 5^m, 2016


JUSTICE OF THE SUPREME COURT

Judgment entered this
__ day of _____, 2016.

HON. GLORIA M. DABIRI

Clerk