

**Kurylov v Icahn Sch. of Medicine at Mount Sinai**

2019 NY Slip Op 32314(U)

July 31, 2019

Supreme Court, New York County

Docket Number: 162005/2014

Judge: Debra A. James

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

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

**PRESENT: HON. DEBRA A. JAMES PART IAS MOTION 59EFM**

*Justice*

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**INDEX NO. 162005/2014**

ADAOBI KURYLOV,

**MOTION DATE 07/30/2019**

Plaintiff,

**MOTION SEQ. NO. 003**

- v -

ICAHN SCHOOL OF MEDICINE AT MOUNT SINAI,  
MOUNT SINAI HEALTH SYSTEM INC.,

**DECISION + ORDER ON  
MOTION**

Defendant.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 003) 56, 57, 59, 62, 63, 64, 65

were read on this motion FOR ATTORNEY -WITHDRAWAL

ORDER

Upon the foregoing documents, it is

ORDERED that the motion of GISKAN SOLOTAROFF & ANDERSON LLP (Jason L. Solotaroff, Esq.) to be relieved as attorney for plaintiff is granted, over the heartfelt opposition of plaintiff, upon filing of proof of compliance with the following conditions; and it is further

ORDERED that, within 10 days from entry, such attorney shall serve a copy of this order with notice of entry upon the former client at her last known address by certified mail, and upon the attorney for the other party appearing herein by posting to the New York State Courts Electronic Filing System; and it is further

ORDERED that upon such service, the action is stricken from the (pre-note of issue) calendar; and it is further

ORDERED that, on her own behalf or by her newly retained counsel, within one year from service of this order upon her, plaintiff shall move by show cause order or notice of motion to restore this action to the pre-note of issue calendar; and it is further

ORDERED that, together with the copy of this order with notice of entry served upon the former client, moving counsel shall forward a notice directing the former client, within ten months of service of this order with notice of entry, to appoint a substitute attorney and the client shall comply therewith, except that, in the event plaintiff intends instead to represent herself, she shall notify the Clerk of the Part of this decision in writing within such ten month period; and it is further

ORDERED that any new attorney retained by plaintiff shall file a notice of appearance with the Clerk of the General Clerk's Office (60 Centre Street, Room 119) and the Clerk of the Part, within eleven months from the date the notice to retain new counsel is mailed; and it is further

ORDERED that should plaintiff, either on her on behalf, or by the newly retained attorney, fail to make such motion to restore, this action will be deemed abandoned and dismissed in accordance with CPLR 3404; and it is further

ORDERED that the departing attorney shall, within 10 days from entry, serve a copy of this order with notice of entry on the Clerk of the General Clerk's Office (Room 119); and it is further

ORDERED that such service upon the Clerk of the General Clerk's Office, the filing of a notice of appearance as provided herein, and the filing of papers as aforesaid shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)).

#### DECISION

In her opposing statement, not taken under oath or signed before a notary public, dated June 1, 2019, plaintiff presents no details with respect to the amount or method of payment of the "overdue retainer deposit" that she alleges she remitted to the movant firm since her payment of the initial retainer of \$4,000, the latter which the moving attorney affirms was made on August 19, 2014.

Attorneys are not required to continue to represent a client without compensation, and plaintiff's failure to pay

accrued fees to the moving law firm is a grounds for relieving such firm. See Transasia Commodities Ltd v NewLead JMEG, LLC, 169 AD3d 591, 592 (1<sup>st</sup> Dept. 2019).

7/31/2019  
DATE

*Debra A. James*  
DEBRA A. JAMES, J.S.C.

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