

**O'Brien v 60 Hudson Owner, LLC**

2019 NY Slip Op 32433(U)

August 14, 2019

Supreme Court, New York County

Docket Number: 155302/2016

Judge: Debra A. James

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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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THOMAS O'BRIEN,

Plaintiff,

- v -

60 HUDSON OWNER, LLC, COLLIERS INTERNATIONAL NY LLC, DATAGRYD DATA CENTERS, LLC, NOVA CORP., BAY CRANE SERVICE INC., MRA ENGINEERING P.C., GALASSO TRUCKING, INC., GALASSO TRUCKING & RIGGING, INC., KEVIN REILLY, HATZEL AND BUEHLER, INC., COMPUTER COOL/ICE AGE MECHANICAL, CORP., SAFEGATE ASSOCIATES, LLC and THE CITY OF NEW YORK,

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 008) 293, 294, 295, 296, 299, 300, 301

were read on this motion to/for

ATTORNEY - WITHDRAWAL

Upon the foregoing documents, it is

ORDERED that the motion of Paul B. Weitz & Associates, P.C., to be relieved as attorney for plaintiff Thomas O'Brien is granted without opposition upon filing of proof of compliance with the following conditions:

ORDERED that, within 10 days from entry, such law firm shall serve a copy of this order with notice of entry upon the former client at his last known address by regular first class mail and upon the attorneys for all other parties appearing herein by posting to the New York State Courts Electronic Filing System; 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 to appoint a substitute attorney within 30 days from the date of the mailing of the notice and the client shall comply therewith, except that, in the event plaintiff intends instead to represent himself, he shall notify the Clerk of the Part of this decision in writing within said 30-day 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 40 days from the date the notice to retain new counsel is mailed; and it is further

ORDERED that no further proceedings may be taken against the former client without leave of this court for a period of 40 days after service on the former client of the aforesaid notice to appoint a substitute attorney; and it is further

ORDERED that the status conference presently scheduled for September 9, 2019 is adjourned to October 29, 2019 in Room 331, 60 Centre Street, at 10:30 AM; 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

Reference [see References] and, pending receipt of the report and a motion pursuant to CPLR 4403, final determination of that branch of the motion is held in abeyance; and it is further

ORDERED that departing counsel shall, within 30 days from the date of this order, serve a copy of this order with notice of entry and the accompanying Order of Reference, together with a complete Information Sheet,<sup>1</sup> upon the Special Referee Clerk in the General Clerk's Office (60 Centre Street, Room 119), who is directed to place this matter on the calendar of the Special Referee's Part for the earliest convenient date subsequent to the conclusion of the stay fixed above; and it is further

ORDERED that such service upon the Special Referee Clerk, the filing of a notice of appearance as provided above with the Clerk of the General Clerk's Office, and service of documents on the Special Referee 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)).

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

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<sup>1</sup> Available on the Court's website at [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh) (under the "References" link in the navigator bar).

ORDERED that departing counsel shall turn over the file pertaining to this case upon the fixing of the value of his services and the payment thereof (Yaron v. Yaron, 58 A.D.2d 752) or the posting of a bond for the payment thereof, or earlier should such counsel so choose.

08/14/2019  
DATE

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

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE