

**L&N Consulting Group, LLC v Bloom**

2020 NY Slip Op 30079(U)

January 2, 2020

Supreme Court, New York County

Docket Number: 650632/2018

Judge: Joel M. Cohen

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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. JOEL M. COHEN PART IAS MOTION 3EFM
Justice
INDEX NO. 650632/2018
L&N CONSULTING GROUP, LLC, SUPER SOL, LTD., MOTION DATE N/A
Petitioners, MOTION SEQ. NO. 005

- v -

ZVI BLOOM, MAYER GOLD, BLUE GOLD EQUITIES, LLC,
CENTRAL AVE. MARKET, LLC, LAWRENCE
SUPERMARKET, LLC, AMSTERDAM AVE. MARKET, LLC,
UPPER WEST SIDE MARKET, LLC, WILMOT ROAD
MARKET, LLC, SCARSDALE SUPERMARKET, LLC

DECISION + ORDER ON MOTION

Respondents.

The following e-filed documents, listed by NYSCEF document number (Motion 005) 92, 93, 94, 95
were read on this motion to RELIEVE ATTORNEY

Upon the foregoing documents:

Counsel for Respondent Zvi Bloom, Rosen & Kantrow, PLLC, seeks to withdraw as
counsel pursuant to CPLR §321(b)(2). This motion is unopposed.

This action was commenced by Petitioners on February 8, 2018 to confirm an arbitration
award. Rosen & Kantrow, PLLC was retained as substitute counsel on behalf of Mr. Bloom on
September 17, 2018.

Now before the Court is Rosen & Kantrow, PLLC's motion, brought by Order to Show
Cause, to be relieved as counsel on behalf of the Respondent Zvi Bloom. Supported through the
affirmation of Avrum J. Rosen, Esq., Rosen & Kantrow, PLLC asserts it has issued legal bills for
services rendered to Mr. Bloom since its retention which have not been paid. On June 4, 2019
Rosen & Kantrow, PLLC contacted Mr. Bloom about the outstanding invoices. While receipt of
the invoices was confirmed, no monies were paid. (NYSCEF 92, ¶8). Mr. Rosen asserts that

there has been a breakdown in the Firm's relationship with Ms. Bloom due to his failure to remit payment for legal services and respond to communication efforts made by Rosen & Kantrow, PLLC, rendering continued and effective representation of Mr. Bloom in this action impossible. *Id.*, ¶10—12.

The Order to Show Cause was signed on December 10, 2019 and directed opposition, if any, to this requested relief be filed by December 20, 2019 and further provided that a copy of the Order to Show Cause and the supporting papers upon which it is based shall be served upon all parties by overnight mail and through NYSCEF. Counsel filed affidavits of service attesting that copies were served upon the parties. (NYSCEF 95). No opposition having been filed, this motion is unopposed. For the following reasons, the Court grants counsel's motion to withdraw as attorney of record for Zvi Bloom.

Relieving counsel from its representation of a party is appropriate where, *inter alia*, there is adequate evidence showing a breakdown in the attorney-client relationship. *Robinson v. Friedman Mgt. Corp.*, 49 A.D. 3d 436, 437 (1<sup>st</sup> Dep't 2008); *see also Bok v. Werner*, 9 A.D.3d 318 (1<sup>st</sup> Dep't 2004) (reversing denial of motion to withdraw as counsel in view of counsel's claimed breakdown in relationship with client); *see also* Rule 1.16(b)(5) of the Rules of Professional Conduct (a lawyer may withdraw from representing a client when: the client deliberately disregards an agreement or obligation to the lawyer as to expenses or fees). Movant has done so. Given that discovery is ongoing, Mr. Bloom should not be prejudiced by a change in counsel.

The Court concludes that Rosen & Kantrow, PLLC has made a sufficient showing of entitlement to withdraw as counsel for Zvi Bloom and its motion is Granted. Rosen & Kantrow,

PLLC is directed to comply with its obligation under Rule 1.16(d) of the Rules of Professional Conduct as stated below.

It is therefore:

**ORDERED** that the motion of Rosen & Kantrow, PLLC to be relieved as attorney for Respondent Zvi Bloom in this action is granted without opposition, subject to the following conditions; it is further

**ORDERED** that Rosen & Kantrow, PLLC is to comply with its obligation under Rule 1.16(d) of the Rules of Professional Conduct, as applicable to the facts presented, to “take steps, to the extent reasonably practicable, to avoid foreseeable prejudice to the rights of the client, including giving reasonable notice to the client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, promptly refunding any part of a fee paid in advance that has not been earned and complying with applicable laws and rules.”; it is further

**ORDERED** that, within 10 days from entry, Rosen & Kantrow, PLLC shall serve a copy of this order with notice of entry upon Zvi Bloom by email and by hard copy at his last known address by certified mail, return receipt requested, and upon the attorneys for all other parties appearing herein by posting to the New York State Courts Electronic Filing System; it is further

**ORDERED** that, together with the copy of this order with notice of entry served upon Respondent Zvi Bloom, moving counsel shall forward a notice directing Respondent Zvi Bloom to appoint a substitute attorney within 30 days from the date of the mailing of the notice and the client shall comply therewith. As Mr. Bloom is named individually to this action, should he desire, he may proceed in this matter *pro se* under CPLR 321; it is further

ORDERED that any new attorney retained by Respondent Zvi Bloom 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; it is further

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

ORDERED that all parties are to appear for a Preliminary Conference in this matter on February 18, 2020 at 11:00 a.m.

1/2/2020  
DATE

  
JOEL M. COHEN, J.S.C.

CHECK ONE:

<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	OTHER
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT
		<input type="checkbox"/>	REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: