

<b>Evunp Holdings LLC v Frydman</b>
2020 NY Slip Op 31838(U)
June 12, 2020
Supreme Court, New York County
Docket Number: 650841/2014
Judge: Joel M. Cohen
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changed counsel—even variously terminating and re-hiring Edelman “several times” — throughout the action]).

The motion to withdraw as counsel is granted subject to the conditions set out below. Generally, a client has an “unqualified right to terminate the attorney-client relationship at any time without any obligation other than to compensate the attorney for “the fair and reasonable value of the completed services” (*e.g. Matter of Thelen LLP*, 24 NY3d 16, 28 [2014]). Nothing in this record suggests that Edelman has not been paid for his services to date. The Court will not now require that Edelman continue his representation of Defendants following his discharge simply because Edelman filed the moving papers for the parties’ pending motion for summary judgment. Counsel is *required* to withdraw its representation upon termination by the client under Rule 1.16 (b) of the Rules of Professional Conduct.

Plaintiff’s opposition to the request is moot given that Defendants “have already obtained new counsel, Mr. Andrew Hayes, who has already recorded representation” though has not filed a notice of appearance (NYSCEF 392, ¶ 12 [Edleman reply aff] [filed 05/26/20]). Under the circumstances, no party will be prejudiced by Edelman’s withdrawal and no stay of proceedings against Defendants is necessary.

\* \* \* \* \*

Accordingly, it is

**ORDERED** that Edelman’s motion to be relieved as counsel for Defendants is **granted**, subject to the following conditions; it is further

**ORDERED** that Edelman shall comply with all 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 clients, including

giving reasonable notice to the clients, . . . delivering to the clients all papers and property to which the clients are 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 24 hours from the Court’s entry of this Order on NYSCEF, Edelman shall serve a copy of this Order with notice of entry upon Defendants by email and, if practicable, by hard copy at their last known address by certified mail, return receipt requested, as well as upon the attorneys for all other parties and any *pro se* parties appearing herein by posting to the New York State Courts Electronic Filing System; it is further

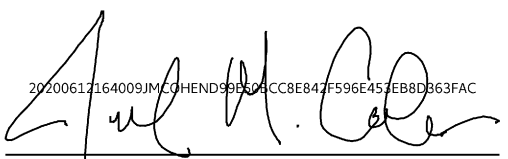
**ORDERED** that any substitute attorney retained by Defendants shall file a notice of appearance within 2 days from the date that outgoing counsel’s notice to retain new counsel is sent; it is further

**ORDERED** that outgoing counsel shall, within 5 days from the Court’s entry of this Order on NYSCEF, serve a copy of this Order with notice of entry upon 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 Status Conference on **July 28, 2020 at 11:00 a.m.**

This Constitutes the Decision and Order of the Court.

  
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**JOEL M. COHEN, J.S.C.**

6/12/2020  
 DATE

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"/> DENIED	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT
		<input type="checkbox"/> REFERENCE