

McCann v Ship Wrecked Bar & Grill, Inc.
2020 NY Slip Op 33515(U)
October 26, 2020
Supreme Court, New York County
Docket Number: 151982/2019
Judge: Kathryn E. Freed
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. KATHRYN E. FREED PART IAS MOTION 2EFM

Justice

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LEILA MCCANN,

Plaintiff,

- v -

SHIP WRECKED BAR AND GRILL, INC. D/B/A WICKED
WILLY'S and ANDY RAMGOOLIE,

Defendants.

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INDEX NO. 151982/2019
MOTION DATE 09/14/2020
MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 16, 17, 18, 19, 20, 21, 22, 23, 24, 25

were read on this motion to/for DISQUALIFY/RELIEVE/SUBSTITUTE/WITHDRAW .

In this action seeking remedies for discrimination based on race/national origin, discrimination based on gender (including sexual harassment), and retaliation under the New York City Human Rights Law, Sol Kodosi, Esq. moves to be relieved as counsel for defendants Ship Wrecked Bar and Grill, Inc. d/b/a Wicked Willy's and Andy Ramgoolie. The motion is unopposed on papers, although both defendant Andy Ramgoolie and counsel for plaintiff, Michael J. Pospis, Esq., did appear orally via telephone conference on the return date of September 14, 2020.

Counsel for plaintiff did not oppose the motion and only raised the point that a scheduled conference, which had not taken place due to Covid 19, needed to be rescheduled and a new Note of Issue date had to be set. Additionally, he was concerned that the defendant bar, which is a corporation, be made aware that it needed to be represented by an attorney in all Court proceedings.

Defendant Andy Ramgoolie, appearing on his own behalf, argued that the motion should not be granted and asked for additional time to retain an attorney because the movant, Kodsi, owed him money as a result of his representation in this matter.

This Court notes that there would seem to have been a breakdown of the attorney-client relationship between defendant and his counsel. In fact, counsel appends to his Affirmation in Support of the Motion (Doc. No. 17) an email from Tara Fallon stating that she is Mr. Ramgoolie's assistant and forwarding to Kodsia letter terminating the attorney-client relationship between Ramgoolie and Kodsia. (Doc. No. 20). This Court was unable to open the attachments to the email. However, also appended to the Affirmation was an email from Pospis to "Ms. Kindlon" (Doc. No. 21) which not only responded to her letter about this matter, but also contained within its body a letter from "Tara F. Kindlon" "For, Andy Ramgoolie." The substance of the letter indicated that Ramgoolie was unhappy with Kodsia's representation because Kodsia had, *inter alia*, allegedly "abandoned his case" and indicated that Ramgoolie was proceeding on his own on and requested additional time to respond to the discovery demands in this matter.

Based on the above, it is clear to this Court that the attorney-client relationship between Ramgoolie and Kodsia has broken down.

Therefore, in light of the foregoing, it is hereby:

ORDERED that the motion is granted to the extent that Sol Kodsi, Esq., is relieved as counsel for defendants Ship Wrecked Bar and Grill, Inc. d/b/a Wicked Willy's and Andy Ramgoolie; and it is further

ORDERED that the withdrawing attorney is directed to serve, within 10 days after this order is entered, a copy of this order with notice of entry upon the former clients at the former clients' last known address, by regular and certified mail, return receipt requested, and upon all other parties appearing herein via NYSCEF; and it is further

ORDERED that the withdrawing attorney is further directed to serve, upon the former clients, together with the above-mentioned copy of this order with notice of entry, a notice directing the former corporate client, within 30 days from the date of mailing the notice to obtain a substitute attorney and directing the individual defendant, Andy Ramgoolie within 30 days from the date of mailing the notice, to either elect to appear by substitute attorney or else to appear in person; and it is further

ORDERED that no further proceedings may be taken against the former client(s) without leave of this Court for a period of 30 days after the entry of this order; and it is further

ORDERED that a compliance conference will be scheduled and a new Note of Issue date will be set upon this matter being transferred to another Judge; and it is further

ORDERED that this constitutes the decision and order of the court.

10/26/2020
DATE



KATHRYN E. FREED, 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