

**Century First Credit Solutions, Inc. v Priority Capital,
LLC**

2024 NY Slip Op 32145(U)

June 24, 2024

Supreme Court, New York County

Docket Number: Index No. 653287/2015

Judge: Emily Morales-Minerva

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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. EMILY MORALES-MINERVA PART **42M**

Justice

-----X

CENTURY FIRST CREDIT SOLUTIONS, INC. A NEW YORK CORPORATION,

Plaintiff,

INDEX NO. 653287/2015

MOTION DATE 06/10/2024

MOTION SEQ. NO. 012

- v -

PRIORITY CAPITAL, LLC A DELAWARE LIMITED LIABILITY COMPANY, CHRISTIAN WOODCOCK, JOHN AMATO,

Defendants.

DECISION + ORDER ON MOTION

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 012) 397, 398, 399, 400 were read on this motion to/for ATTORNEY - DISQUALIFY/RELIEVE/SUBSTITUTE/WITHDRAW.

APPEARANCES:

The Law Office of Brian L. Greben, Great Neck, New York (Brian L. Greben, Esq., of counsel) for plaintiff.

Hubbell & Associates LLC, New York, New York (Richard A. Hubbell, Esq., of counsel) for defendants.

HON. EMILY MORALES-MINERVA:

In this matter, non-party Hubbell & Associates LLP and Richard A. Hubbell, Esq., of counsel for defendants PRIORITY CAPITAL, LLC A DELAWARE LIMITED LIABILITY COMPANY, CHRISTIAN WOODCOCK, JOHN AMATO, filed a motion, by Order to Show Cause, to withdraw as counsel for defendants (see NY St Elec Filing [NYSCEF] Doc No. 397). The Court scheduled the return date, by virtual appearance, in Part 42, on June 20, 2024, at 4:00 P.M. No party filed opposition to the motion.

At the call of the calendar, plaintiff appeared, by counsel, and counsel for defendants appeared. Counsel for defendants submitted an affidavit of service, dated June 20, 2024, indicating service had been executed, pursuant to the Order to Show Cause.

For the reasons that follow, counsel for defendants' application to withdraw is granted.

An attorney may only withdraw as counsel upon a showing of good and sufficient cause and reasonable notice (see CPLR § 321[b][2]; see also Bok v Werner, 9 AD3d 318 [1st Dept 2004]). The question of whether such cause exists is a matter addressed to the Court's discretion (see Rivardeneria v New York City Health and Hosps. Corp., 306 AD2d 394 [2d Dept 2003]). If a client renders representation unreasonably difficult for an attorney to carry out employment effectively, an attorney is generally permitted to withdraw from representing a client (see Rules of Prof. Conduct [22 NYCRR 1200.0] rule 1.16 [c][7]; see Elias v Elias, 224 AD3d 500 [1st Dept 2024]; see also Raff & Becker LLP v Kaiser Saurborn & Mair, P.C., 160 AD3d 479 [1st Dept 2018]).

Here, defendants' counsel has made a sufficient showing of good cause for withdrawal, affirming defendants' failure to communicate and cooperate with their representation. Pursuant to CPLR § 321(c), an automatic stay of a matter shall be in effect

for 60 days from entry of this decision and order. Such stay allows defendants an opportunity to retain new counsel or elect to proceed self-represented, if defendant is an individual, not a corporation (see CPLR § 321(c)).

Accordingly, it is

ORDERED that the motion (sequence number 012), by order to show cause, to withdraw as counsel is granted; it is further

ORDERED that Hubbell & Associates, LLC, and Richard A. Hubbell, Esq., counsel of record for defendants, are relieved as counsel; it is further

ORDERED that Hubbell & Associates, LLC, and Richard A. Hubbell, Esq., shall serve a copy of this order with notice of entry upon all parties, including defendants PRIORITY CAPITAL, LLC A DELAWARE LIMITED LIABILITY COMPANY, CHRISTIAN WOODCOCK, and JOHN AMATO, within 10 days of entry; it is further

ORDERED that this action is stayed for a period of 60 days from the notice of entry; it is further

ORDERED that defendants are directed to notify the Court and all counsel in writing, within the 60-day period, as to new counsel's name and address, if any, or defendants' election to proceed as self-represented.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT

Emily Morales-Minerva

6/24/2024

DATE

EMILY MORALES-MINERVA, 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