

**Phillips Auctioneers LLC v Grosso**

2025 NY Slip Op 30564(U)

February 19, 2025

Supreme Court, New York County

Docket Number: Index No. 651782/2020

Judge: Andrea Masley

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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PHILLIPS AUCTIONEERS LLC,  Plaintiff,  - v -  PIER FRANCO GROSSO,  Defendant.	<b>INDEX NO.</b> <u>651782/2020</u>  <b>MOTION DATE</b> <u>-</u>  <b>MOTION SEQ. NO.</b> <u>008</u>  <b>DECISION + ORDER ON  MOTION</b>
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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 008) 226, 227, 229, 232, 233, 234, 235, 236

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

In motion sequence number 008, the Law Office of Richard A. Altman moves to withdraw as counsel for defendant Pier Franco Grosso. Plaintiff Phillips Auctioneers LLC (Phillips) opposes on the grounds that Altman has not established sufficient cause for his withdrawal and permitting withdrawal would prejudice plaintiff with further delay.

Altman asserts two grounds for withdrawal – defendant has not paid substantial legal fees owed and has not cooperated with Altman in complying with court-imposed obligations. (NYSCEF 227, Altman aff ¶ 2.) CPLR 321 (b) (2) provides that an attorney of record may withdraw upon motion with notice to the client of the withdrawing attorney and the attorneys for all other parties in the action. An “attorney must demonstrate that good cause exists to end the relationship with the client, such as by showing an irretrievable breakdown in the relationship or a failure of cooperation by the client.” (*Matter of Cassini*, 182 AD3d 13, 40 [2d Dept 2020] [citation omitted].) A failure to communicate is also good cause. (*Bok v Werner*, 9 AD3d 318, 318 [1st Dept 2004]

[citations omitted].) Altman has shown good cause exists to end the attorney-client relationship.

While the court understands plaintiff's concerns regarding delays, the delay is minimal as the stay expires on February 28, 2025, and the court ordered defendant's deposition to be taken on March 12, 2025 at 10 a.m. to 4:30 p.m. at 60 Centre Street, Room 242, NY, NY 10007. (NYSCEF 235, Order to Show Cause at 2 [mot. seq. no. 008].) The court also ordered that there will be no adjournment of defendant's March 12<sup>th</sup> deposition. (*Id.*) The remaining discovery schedule is adjusted as follows:

Party proponent expert reports shall be completed by April 2, 2025;

Rebuttal expert reports shall be completed by April 23, 2025;

Expert depositions shall be completed by May 9, 2025;

Plaintiff shall file the note of issue/certificate of readiness shall be filed by May 16, 2025 and any motions for summary judgment shall be filed by June 16, 2025.

Accordingly, it is

ORDERED that the motion is granted upon meeting the following conditions:

ORDERED that the Law Office of Richard A. Altman is directed to serve a copy of this order with notice of entry upon defendant at his last known address by certified mail, return receipt requested and by email, all service to be made within 3 business days, and by posting to the New York State Courts Electronic Filing System (NYSCEF); and it is further

ORDERED that if defendant Grosso decides to represent himself, he shall register as a participating party in NYSCEF by February 28, 2025 and inform the court by emailing [SFC-Part48@nycourts.gov](mailto:SFC-Part48@nycourts.gov). Grosso is cautioned that if he decides to

represent himself but to fails to register on NYSCEF, he will not receive court notices;  
and it is further

ORDERED that any new attorney retained by Grosso shall file a notice of appearance with the Clerk of the General Clerk's Office and the Part 48 Clerk; and it is further

ORDERED that the filing of a notice of appearance with the Clerk of the General Clerk's Office, 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

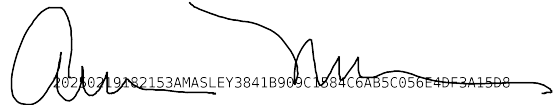
ORDERED that the issue of the reasonable value of legal services rendered and disbursements paid will be severed and referred to the Special Referee Clerk for assignment to a Special Referee to hear and report if the Law Office of Richard A. Altman or defendant inform the court of their request for such a referral within 30 days of the date of this decision and order. Otherwise, such a referral is waived; and it is further

ORDERED that the Law Office of Richard A. Altman 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 AD2d 752 [1st Dept 1977]) or the posting of a bond for the payment; and it is further

ORDERED that this action shall be stayed until February 28, 2025; and it is further

ORDERED that Grosso's deposition shall be taken on March 12, 2025 at 10 a.m. to 4:30 p.m. at 60 Centre Street, Room 242, NY, NY 10007. No adjournments; and it is further

ORDERED that the remaining discovery schedule is adjusted as follows:  
Party proponent expert reports shall be completed by April 2, 2025;  
Rebuttal expert reports shall be completed by April 23, 2025;  
Expert depositions shall be completed by May 9, 2025;  
Plaintiff shall file the note of issue/certificate of readiness shall be filed by May 16, 2025 and any motions for summary judgment shall be filed by June 16, 2025.



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2/19/2025

DATE

ANDREA MASLEY, 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