

Gjurashaj v ABM Indus. Groups, LLC

2025 NY Slip Op 31459(U)

April 21, 2025

Supreme Court, New York County

Docket Number: Index No. 153290/2021

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

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INDEX NO. 153290/2021

LULA GJURASHAJ,

MOTION DATE N/A

Plaintiff,

MOTION SEQ. NO. 005

- v -

ABM INDUSTRY GROUPS, LLC, ABM INDUSTRIES,
INC., TOM DEDA

DECISION + ORDER ON
MOTION

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 005) 79, 80, 81, 82, 83
were read on this motion to/for SUBST/RELIEVE/WITHDRAW COUNSEL.

APPEARANCES:

Perrone Law LLC, Neptune, NJ (Daniel Charles Perrone, Esq.,
of counsel), for plaintiff.

Law Offices of Yale Pollack, P.C., Syosset, NY (Yale Pollack,
Esq., of counsel), for defendant TOM DEDA.

EMILY MORALES-MINERVA, J.S.C.:

In this instant action, non-party movant Law Offices of
Yale Pollack, P.C. (law firm) -- counsel for TOM DEDA (client)
-- moves, by order to show cause (mot. seq. no. 005), for an
order permitting it to withdraw from such representation, and
for an order staying this action for 60 days thereafter. The
record on this application includes proof of service on client
(see New York State Court Electronic Filing System [NYSCEF] Doc.
No. 84, Affidavit of Service, dated February 28, 2025).

The motion was returnable to Part 42M, at 12:00 PM, on April 09, 2025. At the call of calendar, all parties appeared, and both plaintiff LULA GJURASHAJ and client TOM DEDA indicated that they were not opposing the relief requested.

Now, for the reasons set forth below, the court grants the application entirely.

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]). An attorney may withdraw as counsel if the client's failure to communicate with counsel renders the representation unreasonably difficult, undermining counsel's ability to represent the client effectively (see Raff & Becker LLP v Kaiser Saurborn & Mair, P.C., 160 AD3d 479 [1st Dept 2018]; see also Bankers Trust Co. v Hogan, 187 AD2d 305 [1st Dept 1992]). The question of whether good cause exists lies within the sound discretion of the court (see Rivadeneria v New York City Health & Hosps. Corp., 306 AD2d 394 [2d Dept 2003]).

Here, non-party law firm has made a sufficient showing of good cause for withdrawal, and client does not oppose the same (see NYSCEF Doc. No. 80, Affirmation of Yale Pollack, Esq.).

Accordingly, it is

ORDERED that movant LAW OFFICES OF YALE POLLACK, P.C.'s motion (seq. no. 005), by order to show cause, is granted entirely; it is further

ORDERED that movant LAW OFFICES OF YALE POLLACK, P.C. is permitted to withdraw and is relieved as counsel for defendant TOM DEDA; it is further

ORDERED that this action is stayed for a period of 60 days from the date of entry of this order to allow defendant TOM DEDA sufficient time to retain new counsel; it is further

ORDERED that defendant TOM DEDA shall notify this court, in writing, on or before the end of the 60-day period as to incoming counsel's name and address, or defendant's intention, if any, to proceed as a self-represented litigant; it is further

ORDERED that plaintiff and defendant shall contact Part 42M in writing by 5:00 P.M., June 23, 2025, with proposed dates for a virtual status conference; and it is further

ORDERED that movant LAW OFFICES OF YALE POLLACK, P.C. shall serve a copy of this order with notice of entry upon defendant TOM DEDA, via email at tdeda2004@yahoo.com and maria.deda718@gmail.com, and all other parties within 10 days of entry.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

4/21/2025
DATE

Emily Morales-Minerva
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