

Perry 259 W. 4 Owners Corp. v 124 Commercial L.P.

2025 NY Slip Op 32726(U)

July 30, 2025

Supreme Court, New York County

Docket Number: Index No. 151666/2025

Judge: Emily Morales-Minerva

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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. 151666/2025

PERRY 259 W. 4 OWNERS CORP.,

MOTION DATE 07/02/2025

Plaintiff,

MOTION SEQ. NO. 002

- v -

124 COMMERCIAL L.P., SA HOSPITALITY GROUP, LLC
D/B/A SAINT AMBROEUS WEST VILLAGE, LUME WEST
VILLAGE, LLC D/B/A LUME WEST VILLAGE, REALTEK
LLC,

DECISION + ORDER ON
MOTION

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 002) 35, 36, 37, 38, 39
were read on this motion to/for PRO HAC VICE

APPEARANCES:

Smith, Gambrell & Russell, LLP., (Kathryn T. Lundy, Esq.,
partner), for defendant Realtek, LLC.

EMILY MORALES-MINERVA, J.S.C.

In this action, non-party Kathryn T. Lundy, Esq. of the law
firm Smith, Gambrell & Russell, LLP, attorney for defendant
REALTEK, LLC., moves, by notice of motion (sequence number 002),
for the admission pro hac vice of attorney, Melissa Nicole
Eubanks, Esq., a member in good standing of the California State
Bar. Plaintiff PERRY 259 W. 4 OWNERS CORP., as well as co-
defendants, 124 COMMERCIAL L.P., SA HOSPITALITY GROUP, LLC D/B/A

SAINT AMBROEUS WEST VILLAGE and LUME WEST VILLAGE, LLC D/B/A
LUME WEST VILLAGE do not oppose the instant motion.

Pursuant to Section 520.11(a)(1) of the Rules of the Court of Appeals, "an attorney . . . who is a member in good standing of the bar of another state . . . may be admitted pro hac vice in the discretion of any court of record, to participate in any matter in which the attorney is employed." Section 520.11(c) provides no attorney may be admitted pro hac vice . . . unless he or she is associated with an attorney who is a member in good standing of the New York bar, who shall be the attorney of record in the matter."

Here, non-party Kathryn T. Lundy, Esq., the attorney of record, submits proof of the qualifications required, including Attorney Melissa Nicole Eubanks' certificate of good standing of the California State Bar, and a sponsoring affidavit (see NYSCEF Doc. No. 38, Sponsoring Affidavit of Kathryn T. Lundy, Esq.; see also NYSCEF Doc. No. 37, Certificate of Good Standing of Melissa Nicole Eubanks, Esq.). Further, Melissa Nicole Eubanks, Esq., will appear and participate in this action alongside Kathryn T. Lundy, Esq., who will remain the attorney of record. Therefore, the motion (seq. no. 002) is granted.

Accordingly, it is hereby

ORDERED that motion (sequence no. 002) of non-party Kathryn T. Lundy, Esq. is granted entirely; it is further

ORDERED that Melissa Nicole Eubanks, Esq., is permitted to appear and to participate in this proceeding on behalf of defendant REALTEK, LLC.; it is further

ORDERED that inasmuch as Kathryn T. Lundy, Esq. is a member in good standing of the Bar of the State of New York and maintains an office for the practice of law at 1301 Avenue Of The Americas 15th Floor, New York, NY 10019, Melissa Nicole Eubanks, Esq. shall, at all times during this action, be associated with Kathryn T. Lundy, Esq., who shall be the attorney of record for defendant; it is further

ORDERED that all pleadings, briefs, and other papers filed with the court shall be signed by the attorney of record, who shall be responsible for such papers and for the conduct of this action; it is further

ORDERED that pursuant to 520.11(a)(1) of the Rules of the Court of Appeals and 602.2(a) of the Rules of the Appellate Division, First Department, Melissa Nicole Eubanks, Esq. is admitted pro hac vice and shall abide by the standards of professional conduct imposed upon members of the New York State Bar, including the rules of the courts governing conduct of attorneys and the Rules of Professional Conduct; it is further

ORDERED that Melissa Nicole Eubanks, Esq. shall be subject to the jurisdiction of the courts of the State of New York with

respect to any acts occurring during the course of her participation in this matter; it is further

ORDERED that Melissa Nicole Eubanks, Esq. shall notify the court immediately of any matter or event in this or any other jurisdiction that affects her standing as a member of the bar; it is further,

ORDERED that the parties shall appear for a preliminary conference on September 10, 2025, at 11:00 A.M. before Justice Emily Morales-Minerva in Part 42M located at 111 Centre Street, Courtroom 574, New York, New York 10013; and it is further

ORDERED that the Clerk shall mark the file accordingly.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

7/30/25
DATE


EMILY MORALES-MINERVA, J.S.C.

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| 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"/> | 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 |