

**Cirillo v Green Crown LLC**

2025 NY Slip Op 32979(U)

August 7, 2025

Supreme Court, New York County

Docket Number: Index No. 657110/2021

Judge: Arlene P. Bluth

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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. ARLENE P. BLUTH PART 14**

*Justice*

-----X

FRANCESCO CIRILLO, ANDREW BRENTA, UBIQ NY,  
LTD,

Plaintiffs,

INDEX NO. 657110/2021

MOTION DATE N/A

MOTION SEQ. NO. 006

- v -

GREEN CROWN LLC A/K/A GREEN CROWN 669,  
LLC, MASSIMO COCCO, MASMAR LLC, REUBEN  
PINNER, THE RYL GROUP LLC

Defendants.

**DECISION + ORDER ON  
MOTION**

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The following e-filed documents, listed by NYSCEF document number (Motion 006) 76, 77, 78, 79, 80,  
81, 82, 83, 84, 85, 86, 87, 88, 89, 90

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

Counsel for defendants’ motion to withdraw as counsel for all defendants is granted only with respect to defendant Reuben Pinner as movant only submitted proof that he served this defendant in accordance with the signed order to show cause.

The Court observes that with respect to the other defendants, counsel for defendants uploaded a letter (dated after the deadline to effectuate service) in which he complained that this Court rejected his request to serve defendants via the Secretary of State or via authorized agents. Defendants’ attorney claims that he was able to serve defendant Pinner as he was the “one defendant whom we had limited communication with.”

This letter is not a basis for this Court to grant the motion with respect to the remaining defendants, with the exception of Mr. Pinner. The fact is that movant is listed as counsel for all defendants, filed a verified answer on behalf of all defendants and represented them all for almost four years. And yet, now it seems that counsel has no idea where his clients are located and, according to footnote 1 of his letter, it seems he has never even spoken with any of the other clients.

This Court required personal in hand service because the withdrawal of an attorney can have serious consequences that may include, if a plaintiff, the case being dismissed or, if a defendant, a default judgment and an award of damages against the client. This typically occurs where the client is unaware the attorney is relieved and fails to hire a new attorney. Here, in fact, two money judgments were already entered against defendants in this action relating to discovery motions totaling over \$15,000 (NYSCEF Doc. Nos. 74, 75), motions that were unopposed. This is yet another reason for this Court to ensure that defendants are made aware that their attorney would like to get off this case. Serving by Secretary of State to an attorney's own clients does not accomplish that goal.

From counsel's admission, it appears that his clients may not know a lot about this case, his representation of them or possibly the judgments entered against them without opposition. Now would be a good time to make contact with those entities and let them know they have to get another attorney because this one wants off the case. Of course, counsel may bring another application after he figures out a method of service that is likely to reach his clients. For instance, sometimes email may be appropriate if counsel can attach proof that he has received responses from his clients recently from that email address. The Court understands that some research may be necessary in this case, but this Court must avoid the likely scenario where, years from now, a

judgment debtor appears to vacate a judgment on the ground that it never knew about the case even though it was represented by counsel. So now is the time for counsel to establish contact with his remaining clients.

Accordingly, it is hereby

ORDERED that the motion by Margolin & Pierce LLP to withdraw as counsel for defendants is granted without opposition ONLY with respect to defendant Pinner and denied with respect to the remaining defendants conditioned upon outgoing counsel complying with the following:

ORDERED that within 5 days of this order, outgoing attorney serve a copy of this order with notice of entry upon defendant Pinner by overnight mail, and by posting to the New York State Courts Electronic Filing System; and it is further

ORDERED that, together with a copy of this order with notice of entry served upon the former client, moving counsel shall forward a notice directing the former client to appoint a substitute attorney or that he may represent himself, and counsel shall upload to NYSCEF an affidavit of service for the notice and decision within 5 days of emailing the notice to the former client; and it is further

ORDERED that any new attorney retained by said defendant shall file a notice of appearance by posting it to NYSCEF within 20 days from the date the notice to retain new counsel is mailed; and it is further

ORDERED that no further proceedings may be taken against the former client without leave of this court for a period of 30 days after service on the former clients of the aforesaid notice; and it is further

ORDERED that if defendant Pinner does not appear at the next conference his answer may be stricken.

The note of issue deadline remains August 12, 2025 per NYSCEF Doc. No. 71. The stay does not apply to the filing of the note of issue.



8/7/2025  
DATE

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ARLENE P. BLUTH, J.S.C.

CHECK ONE:

CASE DISPOSED  
GRANTED  DENIED  
SETTLE ORDER  
INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION  
GRANTED IN PART  
SUBMIT ORDER  
FIDUCIARY APPOINTMENT

OTHER  
REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: