

Power Cooling, Inc. v Larsen

2025 NY Slip Op 33490(U)

September 15, 2025

Supreme Court, Kings County

Docket Number: Index No. 512999/2025

Judge: Cenceria P. Edwards

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part COMM2 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at 360 Adams Street, Brooklyn, New York, on the 15th day of September, 2025.

P R E S E N T:

HON. CENCERIA P. EDWARDS, CPA,

Justice.

-----X
POWER COOLING, INC. and RELIANCE MACHINING, INC.,

Plaintiff(s),

-against-

LOUANN LARSEN, as Trustee of the LARSEN 2021 FAMILY TRUST, SUBTRUST A, and the LARSEN 2021 FAMILY TRUST, SUBTRUST C, as trustee and derivatively on behalf of POWER COOLING, INC. and RELIANCE MACHINING, INC.; KATERINA VOUMVOURAKIS, as Trustee of the LARSEN 2021 FAMILY TRUST, SUBTRUST A and the LARSEN 2021 FAMILY TRUST, SUBTRUST B, as trustee and derivatively on behalf of POWER COOLING, INC. and RELIANCE MACHINING, INC.; and LYDIA LARSEN, As Trustee of the LARSEN 2021 FAMILY TRUST, SUBTRUST B, and the LARSEN 2021 FAMILY TRUST, SUBTRUST C, as trustee and derivatively on behalf of POWER COOLING, INC. and RELIANCE MACHINING, INC.,

Defendant(s).

-----X

The following e-filed papers read herein:

NYSCEF Doc. Nos.:

Order to Show Cause, Affidavits/Affirmations, and Exhibits _____

74-85

Opposing Affidavits/Affirmations and Exhibits _____

87-90

Reply Affidavits/Affirmations and Exhibits _____

In this action, the corporate plaintiffs sue defendants LOUANN LARSEN, KATERINA VOUMVOURAKIS, and LYDIA LARSEN (collectively, “the Trustees”), each of whom is a trustee of certain family trusts, in their respective capacities as trustees and as shareholders of Plaintiffs.

In motion sequence (“mot. seq.”) #1, the law firm of Pierce & Kwok, LLP, by Aaron H. Pierce, Esq. (“Movant”), now moves by order to show cause (“OSC”) to be relieved as counsel of

ORDER

Motion Calendar: 5/21/2025
Motion Cal. #(s): 22 & 23

Index #: 512999/2025
Mot. Seq. #(s): 1 & 2

record for the various defendants named in this action. The defendant Trustees oppose and purport to cross-move, in mot. seq. #2, to compel disclosure from their attorney and from the undersigned's Chambers staff regarding their allegations of improper modifications made to certain electronically filed documents in this action and in a related action filed by the Trustees against, inter alia, the Plaintiffs under Index No. 512169/2022.

For the reasons articulated below, mot. seq. #1 by the Movant law firm to withdraw as Defendants' counsel of record is GRANTED. The Trustee defendants' "cross-motion" in mot. seq. #2 is summarily DENIED as procedurally improper, and the Court treats these papers solely as their opposition to the mot. seq. #1.

CPLR § 321 (b)(2) provides, in relevant part, that "[a]n attorney of record may withdraw or be changed by order of the court in which the action is pending, upon motion on such notice to the client of the withdrawing attorney." The general rule is that "[a]n attorney may withdraw from representing a client for good and sufficient cause" (*Winters v Rise Steel*, 231 AD2d 626, 626 [2d Dept 1996] [internal citations omitted]), and "[t]his includes irreconcilable differences between the attorney and the client with respect to the proper course to be pursued in litigation" (*id.*).

Sufficient cause has also been found to exist when there has been "a breakdown in the attorney-client relationship" (*Tucker v Schwartzapfel Lawyers, P.C.*, 196 AD3d 527, 529 [2d Dept 2021]) or "when the client flatly challenged counsel's loyalty and professional integrity" (*Lake v M.P.C. Trucking Inc.*, 279 AD2d 813, 814 [3d Dept 2001] [internal quotation marks and alterations omitted]), or when "the client, by his or her conduct, 'renders it unreasonably difficult for the lawyer to carry out employment effectively'" (*McCormack v Kamalian*, 10 AD3d 679, 679 [2d Dept 2004], quoting former Code of Professional Responsibility DR 2-110 [c] [1] [iv]; *see also* Rule 1.16 [7] of the Rules of Professional Conduct [22 NYCRR § 1200.16 (7)]).

Here, Movant has complied with CPLR § 321 (b)(2) by noticing its clients, the Trustee defendants, of its intention to withdraw as counsel in accordance with the OSC signed on May 6, 2025, and the Trustees have opposed the request.

Movant represents that the Trustees "ha[ve] made it unreasonably difficult for the attorney to represent the client [*sic*] efficiently" (*see* NYSCEF Doc. #75 [Attorney Affirmation in Support

of mot. seq. #1], at ¶11). In support, Movant cites to redacted attorney-client communications appended to the motion as Exhibits “A” through “D” (*see* NYSCEF Doc. #s 76-79), which Movant is willing to produce to the Court for *in camera* review.

In their cross-moving/opposing papers, the Trustees contend, without a scintilla of any supporting evidence, that there have been “Corrupt Court Filing Manipulation tactics and illegal changing of the Court filed documents” (*see* NYSCEF Doc. #88, ¶¶ 26-48). Additionally, as recorded in the transcript of the parties’ appearance during this Part’s motion calendar call on April 16, 2025 for the hearing of mot. seq. #12 and #13 in the 2022 case, defendant-trustee Louann Larsen acknowledged that she took it upon herself to speak with other attorneys in the courthouse that day about her suspicions that certain documents were somehow “changed” or “modified” after they were uploaded to the e-filing system, despite the fact that Movant currently represents her and the other Trustees in this action by (*see* NYSCEF Doc. #409 [Index No. 512169/2022], at, p. 12, lines 11-24). Movant’s representative, Mr. Pierce, advised the Court that he has explained multiple times to Ms. Larsen that even if some formatting modifications may occur upon uploading, the contents of the e-filed documents are not altered, and yet, she continues to insist otherwise (*see id.*, at pp. 8-12).

Moreover, each of the three Trustees have repeatedly made unauthorized communications to the Court which were done not only “against the advice of counsel” (*see id.* at pg. 14, lines 6-17), but also in blatant violation of the January 13, 2025 order issued in the 2022 case by the Hon. Reginald A. Boddie, J.S.C., who explicitly ordered them to “refrain from contacting the Court directly in any manner, unless directed otherwise by the Court” (*see* NYSCEF Doc. #333 [Index No. 512169/2022]). The Trustees previously made these communications to Justice Boddie’s chambers staff, and continued to send them to the undersigned’s chambers staff after the 2022 case was reassigned to this Part. Notably, at the April 16, 2025 appearance, the undersigned expressly warned Plaintiffs’ counsel about “e-mails and accusations that have been made by your client to the courthouse,” and advised that “[Ms. Larsen] has an attorney and she cannot arbitrarily continue to just send targeted e-mails accusing people of things that are incorrect” (*see NYSCEF* Doc. #409 [Index No. 512169/2022], at pp. 13-14). Mr. Pierce stated that he has advised his clients not to send the email, as it is his job to contact the Court on their behalf, but Ms. Larsen “vehemently

disagrees, and the communications that continue are not on advice of Counsel, they are against advice of Counsel” (*see id.*, at p. 14, lines 6-17).

Ms. Larsen’s refusal to accept Mr. Pierce’s explanations regarding the e-filed documents, and her rejection of his proposal to personally compare the original and e-filed versions so as to assuage her concerns, illustrates a breakdown in the attorney-client relationship (*see Tucker*, 196 AD3d at 529). Similarly, Ms. Larsen’s solicitation of contrary advice from other attorneys in the courthouse regarding the purported document modifications shows that she has challenged Mr. Pierce’s loyalty and professional integrity by undermining him before his colleagues and this Court (*see Lake*, 279 AD2d at 814). Additionally, the actions of all three Trustees in continuing to violate Justice Boddie’s order by bombarding Court staff with improper emails, against the explicit advice of Ms. Pierce, constitutes conduct that renders it unreasonably difficult for Movant to represent them effectively in either case (*see McCormack*, 10 AD3d at 679). Hence, under all of the circumstances, the Court finds that Movant has established good and sufficient cause to withdraw as counsel of record for Defendants, and mot. seq. #1 shall be granted to the extent indicated below.

“Generally, absent special circumstances, there may be only one attorney of record for a party in a single action” (*Nationstar Mtge., LLC v Ghaness*, 216 AD3d 791, 792 [2d Dept 2023]), and “[i]f a party appears by attorney such party may not act in person in the action except by consent of the court” (CPLR § 321 [a]). When the Trustee defendants made their cross-motion, they were still represented by Movant and, thus, were not permitted to act separate and apart from their counsel of record in this action. Hence, their purported “cross-motion” (mot. seq. #2) is a nullity and must be summarily denied.

Accordingly, the above referenced cross-motion by Defendants (mot. seq. #2) is **DENIED in its entirety**, and the motion by the law firm of Pierce & Kwok, LLP (“Movant”) brought by Order to Show Cause (mot. seq. #1), is **GRANTED to the extent** that it is:

ORDERED, that within ten (10) business days of the date of entry of this Order, Movant shall serve Defendants, by overnight mail, with Notice of Entry of the Order and file proof of such service; and

ORDERED, that this matter is hereby STAYED, and shall remain so for 60 days after said proof of service is filed.

The foregoing constitutes the Decision and Order of this Court.

E N T E R,

Dated: September 15, 2025



Hon. Cenceria P. Edwards, JSC, CPA