

Paredes v Tritec Bldg. Co., Inc.

2025 NY Slip Op 34729(U)

December 9, 2025

Supreme Court, New York County

Docket Number: Index No. 155136/2021

Judge: Denis Reo

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.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. DENIS REO PART 65

Acting Justice

-----X

RUBEN PAREDES

Plaintiff,

- v -

TRITEC BUILDING COMPANY, INC.,
ALLSTATE INTERIORS OF NEW YORK, INC. D/B/A
ALLSTATE INTERIORS OF NY, INC.,
ALL SYSTEMS MAINTENANCE, INC.,
TRITEC REAL ESTATE COMPANY, INC.,
TRITEC CONSTRUCTION CONSULTING SERVICES, INC,
TRITEC DEVELOPMENT GROUP, LLC,

Defendants.

-----X

TRITEC BUILDING COMPANY, INC.,
TRITEC REAL ESTATE COMPANY, INC.
TRITEC DEVELOPMENT GROUP, LLC

Third Party Plaintiffs,

-against-

DAVINCI CONSTRUCTION OF NASSAU INC.,
ALLSTATE INTERIORS, INC.
ALL SYSTEMS MAINTENANCE, INC.

Third Party Defendants.

-----X

DAVINCI CONSTRUCTION OF NASSAU INC.

Second Third Party Plaintiff,

-against-

ARTISON FRAMING CONTRACTORS INC.

Second Third Party

Defendant.

-----X

TRITEC BUILDING COMPANY, INC.,

INDEX NO. 155136/2021
MOTION DATE 11/05/2025
MOTION SEQ. NO. 005

DECISION + ORDER ON MOTION

Third-Party
Index No. 596101/2021

Third-Party
Index No. 595466/2022

TRITEC REAL ESTATE COMPANY, INC.,
TRITEC DEVELOPMENT GROUP, LLC

Third-Party
Index No. 595654/2022

Third Third Party Plaintiffs,

-against-

ALLSTATE INTERIORS OF NEW YORK, INC.

Third Third Party Defendants

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 005) 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265

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

In this Labor Law action, McDonald Worley, LLC (McDonald Worley) moves by Order to Show Cause to be relieved as counsel for plaintiff Ruben Paredes (plaintiff). Plaintiff does not oppose the Order to Show Cause. Second Third Party Defendant Artison Framing Contractors (Artison) cross moves for an order (1) holding plaintiff's counsel's Order to Show Cause in abeyance and issuing an order compelling plaintiff's attendance at the hearing(s) of the motion and any subsequent in camera inspection to allow the Court and the parties to question plaintiff about the issues raised in plaintiff's counsel's motion to withdraw; (2) to the extent that the in camera inspection reveals that the reason for plaintiff's counsel's withdrawal has anything to do with their belief and/or suspicion that either the plaintiff or his doctors participated in any misconduct or fraud and/or other potentially unlawful conduct in connection with plaintiff's case or treatment, an order pursuant to CPLR § 3124 compelling discovery of documentation and/or communications which plaintiff's counsel has in its possession or reviewed which support and/or raised the its suspicion of fraudulent and/or potentially unlawful conduct; (3) to the extent that the in camera inspection reveals that the basis for plaintiff's counsel motion to withdraw was

motivated due to an untrustworthy referral source, an Order pursuant to CPLR § 3124 disclosing the identity of the referral source and the production of any retainer agreement with said referral source with regards to the subject case and any other documentation in plaintiff's attorneys' possession supporting plaintiff's counsel's belief that the referral source is untrustworthy; (4) compelling the attendance of the person(s) associated with plaintiff's counsel with best knowledge of the referral process involved in this case and all relevant facts regarding the firm's request to withdraw as counsel to the in camera inspection and any subsequent hearing; and (5) directing plaintiff's attorneys to hold and preserve all litigation documents and evidence related to any possible fraud or misconduct in connection with the case. Defendant Third Party Plaintiffs Tritec Building Company, Inc. Tritec Real Estate Company, Inc. and Tritec Development Group, LLC (collectively Tritec) submit an affirmation in support of the cross-motion, as does defendant Allstate Interiors of New York, Inc. d/b/a Allstate Interiors of NY, Inc (Allstate).

In its affirmation in support of its request to be relieved, McDonald Worley states it does not believe it is appropriate for it to continue to litigate this matter pursuant to the New York Rules of Professional Conduct. Artison urges the Court to hold the Order to Show Cause in abeyance, and to go behind moving counsel's stated reason for seeking withdrawal, because there is indicia of fraud in this case. Specifically, Artison argues that plaintiff's former counsel, Subin Associates LLP (Subin), which was relieved as counsel in this case by decision and order dated April 15, 2024 (J. Hagler), used the same language now being used by McDonald Worley here, i.e., that it did not believe it was appropriate to continue to litigate this matter pursuant to the New York Rules of Professional Conduct. Artisan also argues that McDonald Worley cited the same authorities in support of its motion to be relieved as Subin did in support of its motion and that Subin has

withdrawn from more than 170 actions pending in New York. Artisan also cites a federal civil RICO complaint against Subin while Tritec and Allstate cite an email from McDonald Worley, circulated among counsel to this action, stating that plaintiff intended to discontinue the action with prejudice, as further indicia of potential fraud in this matter. Artisan argues that under these circumstances, McDonald Worley and plaintiff should be required to submit to an ex parte, in camera inspection, which Artison consents to on certain conditions, to determine if McDonald Worley's reason for withdrawal is related to fraud by plaintiff and/or plaintiff's medical providers. Finally, Artison cites as further evidence of fraud plaintiff's deposition testimony about an individual named "Jorge" who, plaintiff testified, told plaintiff about McDonald Worley.

To be granted leave to withdraw from representing a client in a pending action, the moving attorney must establish "good and sufficient cause for withdrawal, and that reasonable notice had been provided to" the client (*Genn v Ratnathicam*, 187 AD3d 539 [1st Dept 2020]). "The decision to grant or deny permission for counsel to withdraw lies within the discretion of the trial court" (*Bank of Am., N.A. v Chadha*, 214 AD3d 695 [2d Dept 2023]). A lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient (comment 3 to Rule 1.16 of the New York State Rules of Professional Conduct). The New York State Bar Association has issued an ethics opinion which similarly states that "[w]here withdrawal may be accomplished simply on the basis of counsel's statement that professional considerations require it, no more should be disclosed" (*Solorzano v 30 Cooper Sq. Partnership*, 2025 NY Slip Op 50064[U] [Supreme Ct, Queens County] quoting NYS Bar Ethics Opinion 1057 [6/5/2015]). Here, the affirmation submitted in support of McDonald Worley's application satisfies the good cause standard for attorney withdrawal. The allegations of fraud made by Artisan, at best, amount only to a "mere suspicion" (*see generally Securities Inv. Protection Corp.*

v Bernard L. Madoff Inv. Sec. LLC, 319 FRD 100, 108 [SDNY 2017] [mere suspicion is not enough to warrant invading the attorney-client privilege]). Neither the Court nor Artisan are privy to the professional considerations that necessitated Subin's withdrawal as counsel in this case or in the 170 other cases cited by Artisan. The unproven allegations of fraud in the federal civil RICO case cited by Artisan would be insufficient, without more, to support a counterclaim or affirmative defense of fraud against plaintiff (*Linares v City of New York*, 233 AD3d 479, 480 [1st Dept 2024]) and, therefore, are insufficient to justify going behind McDonald Worley's stated reason for withdrawal. Plaintiff's deposition testimony about an individual alleged named "Jorge" and an email indicating plaintiff's intention to discontinue this case with prejudice are similarly insufficient. Since withdrawal can be accomplished here based solely on counsel's statement that professional considerations require it, and because Artisan's allegations of fraud are insufficient to warrant *in camera* disclosure to assess the validity of McDonald Worley's request, it is hereby

ORDERED that the motion of McDonald Worley LLC to be relieved as attorney for plaintiff is granted; and it is further

ORDERED that within 10 days from entry McDonald Worley LLC shall serve a copy of this order with notice of entry upon the former client at their last known address by certified mail, return receipt requested and upon the attorneys for all other parties appearing herein by filing on the New York State Courts Electronic Filing System; 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 45 days to allow plaintiff to obtain new counsel; and it is further

ORDERED that the cross-motion is denied.

Denis Reo

12/09/2025

DATE

DENIS REO, A. 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