

Richard v Blount

2026 NY Slip Op 30425(U)

February 5, 2026

Supreme Court, Kings County

Docket Number: Index No. 537266/2023

Judge: Anne J. Swern

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This opinion is uncorrected and not selected for official publication.

At an IAS Trial Term, Part 75 of the Supreme Court of the State of New York, Kings County, at the Courthouse located at 360 Adams Street, Brooklyn, New York on the 5th day of February 2026.

P R E S E N T: HON. ANNE J. SWERN, J.S.C.

FRANCES RICHARD, JODIANE HYLTON
AND ANTONIO MOISE, JR.,

Plaintiff(s),

-against-

RICHARD ARTIS BLOUNT III, VERIZON
SERVICE CORP. and CONNERY RICHARD,

Defendant(s).

DECISION & ORDER

Index No.: 537266/2023

Motion Seq.: 003

Return Date: 1/22/2026

Recitation of the following papers as required by CPLR 2219(a):

**NYSCEF
Papers Numbered**

Order to Show Cause and Supporting Papers	49-57
Affirmation in Opposition and Supporting Papers	61-70
Reply Affirmation and Supporting Papers	71-76

Upon the foregoing papers, the decision and order of the Court is as follows:

Defendant Connery Richard has moved this Court for an order per CPLR § 321 and the Rules of Professional Conduct 22 NYCRR § 1200.1.18 disqualifying plaintiffs’ counsel based on a conflict of interest arising out of a consultation by plaintiffs’ counsel with defendant Connery Richard following the automobile accident that is the subject of this action.

On 12/3/2022, plaintiffs were passengers in defendant Connery Richard’s vehicle when an accident occurred with co-defendants’ vehicle. It is alleged that following the accident, plaintiffs and defendant Connery Richard jointly consulted with The Bangiyev Law Firm. Connery Richard’s defense counsel learned of this fact during the deposition of Anthonio Moise,

Jr. on 8/5/2025. By an email dated 10/15/2025, Connery Richard's defense counsel requested that The Bangiyev Law Firm recuse itself from representing all plaintiffs. Once this request was denied, Connery Richard's defense counsel requested and received permission from the Court to file this motion at the Final Pre-Note of Issue Conference on 10/28/2025 (NYSCEF DOC. #72).

In support of the motion, defendant Connery Richard submitted Antonio Moise, Jr.'s deposition transcript and his own affidavit. Defendant Connery Richard states in his affidavit that during the meeting with The Bangiyev Law Firm, he discussed with the attorneys the happening of the accident. Thereafter, defendant Connery Richard received a letter from the law firm that he was being sued by his passengers for injuries sustained in the accident of 12/3/2022.

Section 1.18 of the Rules of Professional Conduct states that a person who consults a lawyer concerning the possibility of forming a client-lawyer relationship is a prospective client. Even if a client-lawyer relationship is not formed, the lawyer shall not represent another client with "interests materially adverse to those of [another] client in the same or substantially related matter if the lawyer received information from the prospective client." (22 NYCRR § 1200.1.18 [a] and [b]). Further, no lawyer in the same firm or associated with the same firm, may knowingly undertake representation of a client with adverse interests. The lawyer may represent the adverse client only if "both the affected client and the prospective client have given informed consent, confirmed in writing" (22 NYCRR § 1200.1.18 1.18 [d]).

Defendant Connery Richard's motion is granted (*Quinn v Walsh*, 18 AD3d 638 [2d Dept 2005]); *Pessoni v Rabkin*, 220 AD2d 732 [2d Dept 1995]). Plaintiffs' attorney and the law firm did not obtain consent in writing from defendant Connery Richard before forming a client-attorney relationship with all three plaintiffs (22 NYCRR § 1200.1.18 1.18 [d]). This violation of the Rules of Professional Conduct disqualifies The Bangiyev Law Firm from representing the

three plaintiffs and receiving a legal fee for services rendered in this action (*Quinn v Walsh*, 18 AD3d 638; *Pessoni v Rabkin*, 220 AD2d 732).

The Court has considered the plaintiffs' arguments and find same to be without merit.

Accordingly, it is hereby

ORDERED that defendant CONNERY RICHARD's motion to disqualify The Bangiyev Law Firm is granted, and it is further

ORDERED that The Bangiyev Law Firm is disqualified and removed as counsel for plaintiffs, FRANCES RICHARD, JODIANE HYLTON AND ANTONIO MOISE, JR., and it is further

ORDERED that The Bangiyev Law Firm is disqualified from receiving an attorney's fee for services rendered during the period of its representation of plaintiffs, FRANCES RICHARD, JODIANE HYLTON AND ANTONIO MOISE, JR., and it is further

ORDERED that defendant CONNERY RICHARD shall serve a copy of this Order with Notice of Entry upon The Bangiyev Law Firm by Overnight Mail within 15 days of entry in NYSCEF and file proof of service with the Court, and it is further

ORDERED that this action is stayed for 120 days from the date of service of a copy of this Order with Notice of Entry upon plaintiff's counsel by Overnight Mail within 15 days of entry in NYSCEF, and it is further

ORDERED that within 15 days of receipt of this Order with Notice of Entry, The Bangiyev Law Firm shall serve of a copy of the Order on plaintiffs, FRANCES RICHARD, JODIANE HYLTON AND ANTONIO MOISE, JR., by Overnight Mail advising them of the firm's disqualification and they must retain new attorneys to represent their interests in this lawsuit, and it is further

ORDERED that The Bangiyev Law Firm shall e-file proof of service of the Order on plaintiffs, FRANCES RICHARD, JODIANE HYLTON AND ANTONIO MOISE, JR., in NYSCEF.

This constitutes the decision and order of the Court.

ENTER:



Hon. Anne J. Swern, J.S.C.

Dated: 2/5/2026

For Clerks use only:

MG _____

MD _____

Motion seq. # _____