

Rios v Queens Fresh Meadows LLC
2026 NY Slip Op 31653(U)
April 16, 2026
Supreme Court, New York County
Docket Number: Index No. 154246/2019
Judge: Hasa A. Kingo
Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op <u>30001</u> (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. HASA A. KINGO PART 65M

Justice

-----X

MARVIN VILLALTA RIOS,

Plaintiff,

- v -

QUEENS FRESH MEADOWS LLC, FM INVESTORS, L.P.,
GARDEN STATE MANAGEMENT CO., FRESH MEADOWS
DEVELOPMENT LLC, BEST ENERGY POWER 2015
LLC, BEST ENERGY POWER LLC, HPC WIRELESS
SERVICES, LLC, JERSEY CENTRAL MANAGEMENT LLC

Defendant.

-----X

INDEX NO. 154246/2019

MOTION DATE 02/24/2026

MOTION SEQ. NO. 003

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 003) 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

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

Upon the foregoing documents, there being no opposition and good cause having been shown, The Law Offices of Patrick J. Mullaney, P.C.’s (the “Movant”) motion to be relived as counsel to Plaintiff Marvin Villalta Rios (“Plaintiff”) and for a charging lien pursuant to Judiciary Law § 475, is granted.

Under CPLR § 321, an attorney of record may withdraw upon a showing that good cause exists to end the relationship, and doing so will not extinguish the attorney’s right to enforce a charging lien under Judiciary Law § 475 (CPLR § 321[b][2]; *Klein v Eubank*, 87 NY2d 459, 463-64 [1996]; *Mason v MTA New York City Transit*, 832 NY2d 153, 154 [1st Dept 2007]). “Good cause is generally based upon an irretrievable breakdown in the relationship or a failure of cooperation by the client” (*Applebaum v Einstein*, 163 AD3d 905, 907 [2d Dept 2018]; *Lashley v City of New York*, 2023 WL 5317512, *1 [Sup Ct, NY County 2023], *citing Farage v Ehrenberg*, 124 AD3d 159, 165 [2d Dept 2014]). “Attorney-client relationships frequently end because of

personality conflicts, misunderstandings or differences of opinion having nothing to do with any impropriety by either the client or the lawyer” (*Klein*, 87 NY2d at 463 [other relationships “end because of unexpected conflicts of interests or changes in litigation strategy that require different lawyering skills”]). Thus, where an attorney can show that there are irreconcilable differences between counsel and client, and good and sufficient cause to be relieved has been found, the charging lien will be preserved (*id.*; *Farage*, 124 AD3d at 165; *Turner v The City of New York*, 2024 NY Slip Op 30215 [U] , *1 [Sup Ct, NY County 2024]; *Ramirez v New York City Transit Authority*, 2024 NY Slip Op 30211 [U] , *2 [Sup Ct, NY County 2024]).

In this instance, the Movant met its burden of demonstrating good cause to end the relationship with Plaintiff; the bases of which were communicated to the court in camera on April 14, 2026 (*Applebaum*, 163 AD3d at 907; *Aragona v Shaibani*, 138 AD3d 649, 650 [2d Dept 2016]). As such, the Movant has also established its right to a charging lien under Judiciary Law § 475.

Accordingly, it is hereby

ORDERED that the motion by The Law Offices of Patrick J. Mullaney, P.C., to be relieved as attorney for Plaintiff Marvin Villalta Rios is granted without opposition upon filing of proof of compliance with the following conditions; and it is further

ORDERED that within 10 days, said attorney shall serve a copy of this order with notice of entry upon the former client at his last known address in Texas by certified mail, return receipt requested, and by telephone to the former client’s last known telephone number, and upon the attorneys for all other parties appearing herein by posting to the New York State Courts Electronic Filing System; and it is further

ORDERED that, together with the copy of this order with notice of entry served upon the former client, said attorney shall also serve a notice directing the former client to appoint a

substitute attorney within 30 days from the date of the mailing of the notice and the client shall comply therewith, except that, in the event Plaintiff intends instead to represent himself, Plaintiff must notify Chambers by letter or by email to SFC-Part65@nycourts.gov of his decision within said 30-day period; and it is further

ORDERED that such notice shall also inform Plaintiff (in large, bolded font) that failing to appear at the status conference on July 14, 2026, at 9:30 a.m. in Part 65 located at 80 Centre Street, Room 308, New York, New York, 10013, shall subject the complaint to dismissal pursuant to 22 NYCRR § 202.27, upon which the complaint may only be restored upon the Plaintiff's demonstration of a reasonable excuse for failure to appear; and it is further

ORDERED that proof of such service upon the former client shall be filed to the electronic docket within 15 days of such service; and it is further

ORDERED that any new attorney retained by Plaintiff file a notice of appearance with the Clerk of the General Clerk's Office and the Clerk of the Part within 40 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 60 days after service on the former client of the aforesaid notice; and it is further

ORDERED that outgoing counsel shall turn over the file pertaining to this case upon the fixing of the value of The Law Offices of Patrick J. Mullaney, P.C. costs and disbursements in the sum of \$1,492.31 and payment thereof, and upon the fixing of the value of Guerrero & Rosengarten's costs and disbursements in the sum of \$9,016.26 and payment thereof (*Yaron v Yaron*, 58 AD2d 752) or the posting of a bond for the payment thereof; and it is further

ORDERED that The Law Offices of Patrick J. Mullaney, P.C. is granted a charging lien against the proceeds of any settlement or judgment in this action; and it is further

ORDERED that this charging lien is preserved until such time as the court, upon settlement or judgment, may hear and determine the reasonable value of The Law Offices of Patrick J. Mullaney, P.C. services provided; and it is further

ORDERED that a hearing to determine the reasonable value of such services shall be held following such settlement or judgment; and it is further

ORDERED that no settlement or judgment shall be paid or disbursed until the amount of the charging lien is determined at said hearing; and it is further

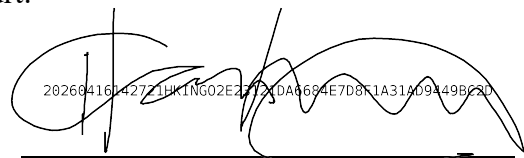
ORDERED **that the parties, including Plaintiff Martin Villalta Rios himself, are directed to appear for a status conference in Part 65 located at 80 Centre Street, Room 308, New York, New York, 10013 on Tuesday July 14, 2026, at 9:30 a.m.;** and it is further

ORDERED that if Plaintiff needs to request an adjournment or alternative appearance methods, such as virtual, Plaintiff Martin Villalta Rios must contact the court by phone (646) 386-63387, or by letter, or by email to SFC-Part65@nycourts.gov to make such application no later than July 7, 2026; and it is further

ORDERED that failing to appear as directed shall subject the complaint to dismissal pursuant to 22 NYCRR § 202.27, upon which the complaint may only be restored upon the Plaintiff's demonstration of a reasonable excuse for failure to appear.

This constitutes the decision and order of the court.

4/16/2026
DATE


HASA A. KINGO, J.S.C.

CHECK ONE: CASE DISPOSED NON-FINAL DISPOSITION
 GRANTED DENIED GRANTED IN PART OTHER

APPLICATION:

CHECK IF APPROPRIATE:

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

SUBMIT ORDER

FIDUCIARY APPOINTMENT

REFERENCE