

Richard v Blount

2026 NY Slip Op 31670(U)

April 8, 2026

Supreme Court, Kings County

Docket Number: Index No. 537266/2023

Judge: Anne J. Swern

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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 8th day of April 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.: 004

Return Date: 3/26/2026

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

	NYSCEF
	Papers Numbered
Order to Show Cause and Supporting Papers	81-94, 97, 99
Affirmation in Opposition and Supporting Papers	101-105
Reply Affirmation and Supporting Papers	106-108

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

Plaintiffs commenced this personal injury action to recover damages arising out of an automobile accident while they were passengers in defendant Connery Richard’s vehicle. The Bangiyev Law Firm has now moved by Order to Show Cause to vacate this Court’s order dated 2/5/2026 removing them as counsel for all three plaintiffs based on a conflict of interest with defendant Connery Richard and disqualifying the law firm from receiving a fee.

Defendant Connery Richard had previously moved this Court on 11/26/2025 for an order per CPLR § 321 and the Rules of Professional Conduct 22 NYCRR § 1200.1.18 disqualifying

plaintiffs' counsel, The Bangiyev Law Firm, based on a conflict of interest stemming from a joint client interview with all plaintiffs and defendant Connery Richard. The joint interview was conducted without obtaining a written waiver from the defendant, the driver of the host vehicle. Connery Richard retained separate counsel to represent him as a plaintiff in his claim for personal injuries arising out of this accident.

By the order dated 2/5/2026, defendant Connery Richard's motion was granted. The Court held that, since the law firm did not obtain consent in writing from defendant Connery Richard before forming a client-attorney relationship with all three plaintiffs, the law firm violated (22 NYCRR § 1200.1.18 1.18 [d]). Further, this violation of the Rules of Professional Conduct disqualified The Bangiyev Law Firm from representing the three plaintiffs and from receiving a legal fee for services rendered in this action (*Quinn v Walsh*, 18 AD3d 638 [2d Dept 2005]); *Pessoni v Rabkin*, 220 AD2d 732 [2d Dept 1995]).

The law firm's Order to Show Cause seeks to vacate the 2/5/2026 order per CPLR § 5015 and/or CPLR § 2221 [e] for leave to renew and, upon renewal, vacate the order and enforce a settlement per CPLR § 2104. The basis of the Order to Show Cause is that the Law Firm had settled the plaintiffs' claims but failed to notify the Court before the 2/5/2026 Order was issued. It is the Law Firm's position that, since the action was settled on 1/28/2026, this is new information that affects this Court's ruling disqualifying them as counsel. Further, the Law Firm argues that it is entitled to a hearing to adjudicate its attorneys' lien and to recover disbursements paid in connection with the prosecution of this action, pursuant to Judiciary Law § 475.

In opposition, defendant Richard Connery argues, *inter alia*, that the Law Firm does not meet the criteria for an order per CPLR § 2221 [e] for renewal of the underlying motion because the settlement was not a factor in the Court's decision. Further, any settlement agreement is

irrelevant to the issue of whether the Law Firm *impermissibly* represented the plaintiffs without obtaining the written consent of defendant Richard Connery. Defense counsel for defendant Richard Connery does not deny that settlement negotiations were being conducted. However, while the motion to disqualify plaintiffs' counsel was pending, defense counsel stopped all negotiations. Defense counsel further argues that, to enable the individual plaintiffs to obtain the benefit of the settlement with defendant Richard Connery and all co-defendants, the settlement funds should be payable directly to each of them [bypassing The Bangiyev Law Firm] because the Law Firm cannot collect a fee.

The motion is denied in its entirety. The law is clear – The Bangiyev Law Firm is disqualified as plaintiffs' counsel and is prohibited from receiving a fee (*Quinn v Walsh*, 18 AD3d 638; *Pessoni v Rabkin*, 220 AD2d 732). As to disbursements, the law firm may seek to recover its disbursements in another forum per the terms of the retainer agreements with plaintiffs.

The Court has considered The Bangiyev Law Firm's remaining arguments and finds the same to be without merit.

Accordingly, it is hereby

ORDERED that The Bangiyev Law Firm's Order to Show Cause to vacate the 2/5/2026 Order of this Court is DENIED, and it is further

ORDERED that this action remains stayed for 120 days from the date of service of the 2/5/2026 Order with Notice of Entry upon plaintiff's counsel, and it is further

ORDERED that within 15 days of entry of this Order in NYSCEF, The Bangiyev Law Firm shall serve a copy with Notice of Entry on plaintiffs, FRANCES RICHARD, JODIANE HYLTON AND ANTONIO MOISE, JR., by Overnight Mail advising them of the that the firm is

still disqualified as their counsel and they must retain new attorneys or appear *pro se* to represent to protect their interests in this lawsuit or to enforce any settlement agreement.

This constitutes the decision and order of the Court.

ENTER:



Hon. Anne J. Swern, J.S.C.
Dated: 4/8/2026