

Massingill v Amazon One Med.
2026 NY Slip Op 31785(U)
April 22, 2026
Supreme Court, New York County
Docket Number: Index No. 805005/2026
Judge: Hasa A. Kingo
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. HASA A. KINGO **PART** **65M**

Justice

-----X

TAMARA MASSINGILL,

Plaintiff,

- v -

AMAZON ONE MEDICAL, BRET JACOBS,

Defendant.

-----X

INDEX NO. 805005/2026

MOTION DATE 03/25/2026

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 9, 10, 11, 12, 13, 14, 15, 16

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 motion by Gersowitz, Libo & Korek, P.C. (the “Movant”) to be relived as counsel to Plaintiff Tamara Massingill (“Plaintiff”) is granted.

Pursuant to CPLR § 321, an attorney of record may withdraw from the representation upon a showing that good cause exists to end the relationship (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”]).

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 21, 2026 (*see also* NYSCEF Doc No. 10). As such, the motion is granted.

Accordingly, it is hereby

ORDERED that the motion by Gersowitz, Libo & Korek, P.C., to be relieved as attorney for Plaintiff Tamara Massingill is granted 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 her last known address by certified mail, return receipt requested, 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 herself, Plaintiff must notify Chambers by letter or by email to SFC-Part65@nycourts.gov of her 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 June 30 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 the submission of an affirmation by a physician demonstrating the potential merit of the action; 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 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 45 days after service on the former client of the aforesaid notice; and it is further

ORDERED **that the parties, including Plaintiff Tamara Massingill herself, 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 June 30, 2026, at 9:30 a.m.**; and it is further

ORDERED that if Plaintiff needs to request an adjournment, Plaintiff must contact the Defendant(s) first, and then the court by phone (646) 386-3887, or by letter, or by email to SFC-Part65@nycourts.gov to make such application no later than June 23, 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 and the submission of an affirmation by a physician demonstrating the potential merit of the action

This constitutes the decision and order of the court.

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4/22/2026

DATE

HASA A. KINGO, 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