

Minkoff v Executive Risk Indem. Inc.

2026 NY Slip Op 31800(U)

April 21, 2026

Supreme Court, New York County

Docket Number: Index No. 656253/2018

Judge: Arlene P. Bluth

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. ARLENE P. BLUTH PART 14

Justice

-----X

ALYSSE DEE MINKOFF,

Plaintiff,

INDEX NO. 656253/2018

MOTION DATE 04/16/2026

MOTION SEQ. NO. 010 011

- v -

EXECUTIVE RISK INDEMNITY INC., THE CIELO
CONDOMINIUM BOARD, FIRST SERVICE RESIDENTIAL

**DECISION + ORDER ON
MOTION**

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 010) 361, 362, 363, 368, 373

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

The following e-filed documents, listed by NYSCEF document number (Motion 011) 365, 366, 367, 369, 371, 372

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

Motion Sequence Numbers 010 and 011 are consolidated for disposition. Thompson & Skrabanek, PLLC and Aleinik Law Firm, PLLC’s motion (collectively, “Movants”) (MS010) to withdraw as counsel for plaintiff is granted. Aleinik Law Firm, PLLC’s motion (MS011) for leave to withdraw as counsel for plaintiff is granted.

Background

Both of the law firms representing plaintiff seek to withdraw on the ground that plaintiff has not paid her invoices and that there are irreconcilable differences between plaintiff and her attorneys.

Plaintiff did not upload any response but emailed the Court an “opposition” that requested many, many items including that she wants a copy of her client file.

Discussion

Based on the record, the Court grants Movants' request to withdraw as counsel for plaintiff. Movants do not wish to serve as plaintiff's attorney any longer and plaintiff clearly wants to proceed with different lawyers or to represent herself.

However, the Court denies the remaining relief demanded by plaintiff including a demand that this Court deem plaintiff to have "properly discharged prior counsel for cause" or that plaintiff be permitted to serve a subpoena. The stay imposed, as described below, is an opportunity for plaintiff to find new counsel or to decide to represent herself. The Court declines to impose a stay on one hand but, on the other hand, to let plaintiff affirmatively seek information at the same time.

The Court also directs that within ten days after plaintiff pays all outstanding expenses, Movants must turn over a copy of their file to plaintiff. In order to facilitate that, Movants must provide plaintiff with a simplified "expense only" bill – clearly showing all outstanding out-of-pocket expenses to date, accompanying service of this order. In other words, once plaintiff reimburses Movants for all expenses they have already paid, Movants must turn over her file to her in digital form.

Accordingly, it is hereby

ORDERED that the motions (MS010 and 011) by Thompson & Skrabanek, PLLC and Aleinik Law Firm, PLLC's, to withdraw as counsel for plaintiff is granted conditioned upon outgoing counsel complying with the following:

ORDERED that within 5 days of this order, outgoing attorney serve a copy of this order with notice of entry upon this plaintiff by overnight courier, and by posting to the New York State Courts Electronic Filing System; and it is further

ORDERED that, together with a copy of this order with notice of entry served upon the former client, moving counsel shall forward a notice directing the former client to appoint a substitute attorney or that she may represent herself and counsel shall upload to NYSCEF an affidavit of service for the notice and decision within 5 days of mailing the notice to the former client; and it is further

ORDERED that, together with a copy of this order with notice of entry served upon the former client, moving counsel shall forward a simple bill of all outstanding out-of-pocket expenses still due and owing so the former client will clearly know what she has to pay in order to get her file in digital form; and it is further

ORDERED that any new attorney retained by said plaintiff shall file a notice of appearance by posting it to NYSCEF within 20 days from the date the notice to retain new counsel is emailed; 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 this order; and it is further

ORDERED that if plaintiff does not appear at the next conference, either self-represented or by an attorney, then her complaint may be stricken; and it is further

ORDERED that the departing law firms shall turn over a copy of their client file to plaintiff within ten days after her paying all outstanding out-of-pocket disbursements/expenses.

Next Conference: October 22, 2026 at 11:30 a.m. By October 15, 2026 the parties shall upload 1) a stipulation about discovery signed by all parties, 2) a stipulation of partial agreement that identifies the areas in dispute or 3) letters explaining why no agreement about discovery could be reached. The Court will then assess whether a conference is necessary (i.e., if the parties

agree, then an in-person or virtual conference may not be required). If nothing is uploaded by October 15, 2026, the appearance is mandatory.



4/21/2026
DATE

ARLENE P. BLUTH, 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