

**SUPREME COURT - STATE OF NEW YORK
IAS TERM, PART 25 NASSAU COUNTY**

PRESENT:

HONORABLE LEONARD B. AUSTIN

Justice

Motion R/D: 1-8-01

Submission Date: 1-8-01

Motion Sequence No.: 001/MOT D

RONALD J. COYNE,

Plaintiff,

- against -

CCA MED, INC.,

Defendant.

x

PLAINTIFF'S ATTORNEY

Charles Jacobson, Esq.

7600 Jericho Turnpike

Woodbury, New York 11797

DEFENDANT'S ATTORNEY

Edward Young, Esq.

112 Farmingdale Road

W. Babylon, New York 11704

x

Upon the following papers read on non-party movant's unopposed Motion to be relieved as counsel pursuant to CPLR 321 (b) (2):

Order to Show Cause dated March 23, 2001;
Affirmation of Edward Young, Esq.

In the context of this unopposed motion to withdraw, it is not controverted that counsel is unable to advocate its clients position and that Defendant has failed to pay or give reasonable assurances that it will pay outstanding fees and disbursements. It thus appears that there has been an unretrievable breakdown in the attorney/client relationship. Kay v. Kay, 245 A.D. 2d 549, 666 N.Y.S. 2d 728 (2nd Dept. 1997); Matter

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of Lenk, 218 A.D. 2d 802, 631 N.Y.S. 2d 67 (2nd Dept. 1995). Accordingly, it is,

ORDERED, that Edward R. Young & Associates is hereby relieved as Defendant's attorney herein pursuant to CPLR 321 (b); and it is further,

ORDERED, that all proceedings in this case are stayed for thirty (30) days from the date of this Order with the exception of any orders currently in effect, any procedural motions regarding those orders. And it is further,

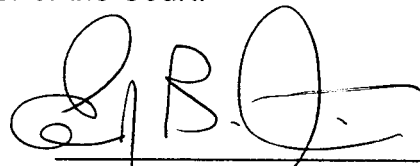
ORDERED, that Defendant has this thirty (30) day period to obtain new counsel inasmuch as it cannot proceed *pro se*. CPLR 321 (a); And it is further,

ORDERED, that outgoing counsel for Defendant is directed to serve copies of this Order upon Defendant by overnight mail; and it is further,

ORDERED, that parties and counsel are directed to appear on June 1, 2001 at 9:15 a.m. for a preliminary conference of this matter.

This constitutes the decision and Order of the Court.

Dated: Mineola, NY
April 9, 2001



Hon. LEONARD B. AUSTIN, J.S.C.

ENTERED

APR 16 2001

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