

APPEARANCE NO. 3

At an LAS Part 39 of the Supreme Court of the State of New York, held in and for the County of Queens, at the Courthouse located at 88-11 Sutphin Blvd., Jamaica, New York
Case 11435 on the 30 day of Nov, 2017

PRESENT:

HON. LESLEE J. PURIFICACION
JUSTICE_____
THOMAS J. SHARE,

Plaintiff,

-against-

KERRY HILLS CORP. d/b/a KERRY HILLS PUB
And BRENDAN T. JONES,Defendants.
_____XORDER TO SHOW CAUSE

Index No.: 712926/2016

Upon reading and filing all of the pleadings and proceedings heretofore had herein and upon the annexed affirmation of Michael Ma, Esq., duly affirmed the 16th day of November 2017.

LET, BRENDAN T. JONES, a defendant in this action, and all other interested parties show cause at an LAS Part Room 25 of this Court to be held in the Courthouse located at 88-11 Sutphin Blvd, Jamaica, in the County of Queens on JAN 3rd, 2017 at 2:15 PM.

Appearance
~~herein~~ or as soon thereafter as counsel can be heard, why an Order should not be made pursuant to CPLR § 321(b): (1) relieving Baron Associates P.C. as counsel for defendant, BRENDAN T. JONES, in the above entitled action; (2) staying the case for sixty (60) days so that defendant, BRENDAN T. JONES, may obtain new counsel; and (3) granting such other and further relief as this Court may deem just and proper.

SUFFICIENT CAUSE appearing therefore, let service of a copy of this Order to Show Cause and the accompanying affirmation by ~~Regular Mail~~ *certified mail, Return Receipt Requested* upon Defendant, BRENDAN T. JONES at his last known address of 179 Beach 126th Street, Belle Harbor, New York 11694; and by Regular Mail upon the attorneys for co-Defendant, KERRY HILLS CORP. d/b/a KERRY HILLS PUB, PILLINGER MILLER TARALLO, LLP, at their business address of 570 Taxter Road, Suite 275, Elmsford, New York 10523; and attorneys for Plaintiff, THOMAS J. SHARE, GULLO & ASSOCIATES, LLC, at their business address of 520 86th Street, Brooklyn, New York 11209, on or before the 15th day of Dec, 2017, be deemed good and sufficient service hereof.

ENTER:

J.S.C.

HON. LESLIE J. PURIFICATION

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
THOMAS J. SHARE,

Plaintiff,

-against-

KERRY HILLS CORP. d/b/a KERRY HILLS PUB
And BRENDAN T. JONES,

Defendants.
-----X

**AFFIRMATION IN
SUPPORT**

Index No.: 712926/2016

Michael Ma, Esq., an attorney duly admitted to practice law before the Courts of the State of New York affirms the following to be true under penalties of perjury:

1. I am the managing attorney of and associated with Baron Associates P.C., attorneys of record for defendant, BRENDAN T. JONES, and as such, am fully familiar with the facts and circumstances therein, based upon a review of the file maintained by this office.

2. I submit this affirmation in support of the instant application seeking an Order pursuant to CPLR § 321(b): (1) relieving Baron Associates P.C. as counsel and attorneys of record for defendant, BRENDAN T. JONES, in the above entitled action; (2) staying the case for sixty (60) days so that defendant, BRENDAN T. JONES, may obtain new counsel; and (3) granting such other and further relief as this Court may deem just and proper.

3. This case arises out of a assault and battery that Defendant, BRENDAN T. JONES sustained at the hands of Plaintiff, THOMAS J. SHARE, on October 31, 2015 inside the men's bathroom of Defendant, KERY HILLS CORP. d/b/a KERRY HILLS PUB. The Defendant, BRENDAN T. JONES contends that the alleged injuries claimed by the Plaintiff occurred *solely and exclusively* as a result of the Plaintiff's own culpable conduct in instigating and escalating a fight-- forcing Defendant, BRENDAN T. JONES, to defend himself, and *not* as

the result of *any* negligence or culpable conduct on the part of the Defendant.

4. The plaintiff purchased Index Number 712926/2016 on October 28, 2016 and filed his Summons and Verified Complaint with the County Clerk of Queens County and served same on defendants. (A copy of said Summons and Verified Complaint is annexed hereto as Exhibit "A").

5. On or about January 3, 2017, an Answer with cross claims was interposed on behalf of the Defendant, BRENDANT T. JONES. (A copy of said Defendants' Answer is annexed hereto as Exhibit "B").

6. On or about January 31, 2017, an Answer with cross claims was interposed on behalf of the Defendant, KERRY HILLS CORP. d/b/a KERRY HILLS PUB. (A copy of said Defendants' Answer is annexed hereto as Exhibit "C").

7. As of the time of this writing, a breakdown of communication and irreconcilable differences have arisen between defendant, BRENDAN T. JONES and his counsel rendering it impossible for your affiant's law office to continue to represent the defendant in this matter. Should the Court require further details as to said irreconcilable differences, it is respectfully requested that such details be provided in camera, so as not to prejudice defendant, BRENDAN T. JONES should he elect to retain new counsel.

8. Accordingly, it is respectfully submitted that this Court now grant the instant Order to Show Cause and issue an Order relieving Baron Associates P.C. as attorneys for defendant, BRENDAN T. JONES in the above action.

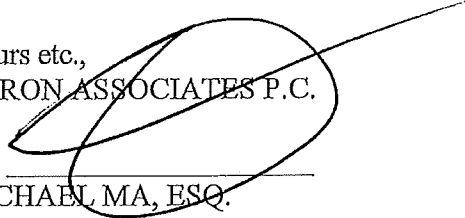
9. No application for the relief sought herein has been previously requested.

WHEREFORE, sufficient reason appearing, it is respectfully requested that an Order pursuant to CPLR § 321(b) be granted: (1) relieving Baron Associates P.C. as counsel for defendant, BRENDAN T. JONES, in the above entitled action; (2) staying the case for sixty (60)

days so that plaintiff, BRENDAN T. JONES, may obtain new counsel; and (3) granting such other and further relief as this Court may deem just and proper.

Dated: Brooklyn, New York
November 16, 2017

Yours etc.,
BARON ASSOCIATES P.C.

By: 
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BAPC File No.: 9026



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