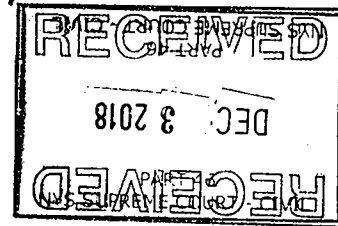


At IAS Part 46 of the Supreme Court for the State of New York, held in and for the County of New York, New York, at the Courthouse Located at 71 Thomas Street, New York, New York, on the 3<sup>rd</sup> day of December, 2018.

seq # 33



PRESENT: HON. LUCY BILLINGS  
J.S.C.

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

-----X  
CHRISTOPHER BRUMMER,

*Plaintiff,*

Index No.: 153583/2015  
Hon. Lucy Billings

-against-

BENJAMIN WEY, FNL MEDIA LLC, AND NYG  
CAPITAL LLC d/b/a NEW YORK GLOBAL  
GROUP

*Defendants.*

-----X

UPON THE READING AND FILING of the accompanying Affirmation of Tom M. Fini, Esq., dated December 3, 2018, and all prior pleadings and proceedings heretofore had herein:

**DEFENDANTS BENJAMIN WEY, FNL MEDIA LLC AND NYG CAPITAL LLC (d/b/a New York Global Group) ARE HEREBY ORDERED TO SHOW CAUSE** at this Court, at the Courtroom of the Hon Lucy Billings (Part 46), located at 71 Thomas Street, Room 204, at 9:30 a.m./p.m. on December 14, 2018, or as soon thereafter as the Court determines, why an Order should not be entered as follows:

(a) Allowing Catafago Fini LLP to withdraw as attorneys for Defendants Benjamin Wey, FNL Media LLC and NYG Capital LLC (the "Defendants");

(b) Directing Defendants to inform the Court by a date set by the Court if they <sup>have</sup> ~~will~~ retained a new attorney or <sup>will</sup> ~~wish to~~ proceed <sup>without an attorney</sup> ~~pro se~~; and

(c) Granting such further relief as the Court deems appropriate.

It is further ORDERED that <sup>disclosure</sup> ~~discovery~~ and other aspects of this action are stayed pending <sup>upon plaintiff's consent</sup> ~~determination~~ of this motion to withdraw brought by this order to show cause;

It is further ORDERED that service of a copy of this Order, and the other papers upon which this Order is granted, shall be deemed good and sufficient: upon Plaintiff's counsel by <sup>and overnight mail</sup> e-filing on or before the 4<sup>th</sup> day of December, 2018; and upon Defendants by ~~first class~~

~~mail at:~~ *personal service pursuant to C.P.L.R. § 308 or § 311-a, as applicable. Any opposition shall be served by e-filing and overnight mail and be deemed to Part 46 by December 11, 2018.*

Benjamin Wey  
10 West Street, Unit PH 1B and 37E  
New York, NY 10004

NYG Capital LLC  
c/o Benjamin Wey  
10 West Street, Unit PH 1B and 37E  
New York, NY 10004

FNL Media LLC  
c/o Holland & Knight LLP  
Attn: Neal N. Beaton  
31 West 52<sup>nd</sup> Street  
New York, NY 10019

ENTER:  
*Lucy Billings*  
\_\_\_\_\_  
J.S.C.

LUCY BILLINGS  
J.S.C.

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

-----X  
CHRISTOPHER BRUMMER,

Index No.: 153583/2015

*Plaintiff,*

-against-

AFFIRMATION

BENJAMIN WEY, FNL MEDIA LLC, AND NYG  
CAPITAL LLC d/b/a NEW YORK GLOBAL  
GROUP

*Defendants.*

-----X

TOM M. FINI, ESQ., an attorney duly admitted to practice before the Courts of the State of New York, affirms the following under penalty of perjury:

1. I am a partner at Catafago Fini LLP, attorneys for Defendants Benjamin Wey, FNL Media LLC (“FNL”) and NYG Capital LLC (d/b/a New York Global Group) (“NYG”) (together, the “Defendants”). I submit this Affirmation in support of Catafago Fini LLP’s application to be relieved as counsel for Defendants. No prior request for this relief has been made.

2. The Defendants Wey and NYG have terminated our representation and wish to proceed *pro se*. This plus other professional considerations, including financial issues (the details of which are confidential), require that Catafago Fini LLP be permitted to withdraw as counsel.

3. In addition, FNL is not responding to my firm, despite our having sent requests to FNL using all contact information we have, including the following official contact provided in the New York Secretary of State records for service of process on FNL: c/o Holland & Knight LLP, Attn: Neal N. Beaton, 31 West 52<sup>nd</sup> Street, New York, NY 10019. This plus other professional considerations require that Catafago Fini LLP be permitted to withdraw as counsel of record for FNL.

4. In order to protect the attorney-client privilege and client confidences, ethics decisions and court rulings caution that the publicly-filed motion to withdraw should not provide confidential details, and instead it should suffice to state that professional considerations and/or financial issues require withdrawal. *See, e.g.*, N.Y. State Bar Ass'n Comm. on Prof I Ethics, Advisory Op. 1057 (2015), 2015 WL 4592234, at \*3 ("the Rules anticipate that the court will usually not demand the disclosure of confidential information if the lawyer advises the court that 'professional considerations' require withdrawal"). *See also* American Bar Association Formal Opinion 476 (Standing Committee on Ethics and Professional Responsibility, December 19, 2016) ("Opinion 476") ("In support of the idea that specific information should not be required with respect to a motion to withdraw for nonpayment of legal fees, Comment [3] to Rule 1.16 states: The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. *The lawyer's statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient.*").

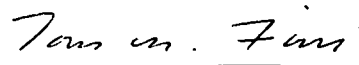
5. In light of the above, we respectfully submit that under pertinent authority, the information provided herein is sufficient to support withdrawal, and any further information needed by the Court should be provided and discussed *in camera* to avoid any waiver of privilege or confidential information.

6. For the reasons set forth above, and also for reasons that can be provided *in camera*, Catafago Fini LLP, respectfully requests that this office be relieved as counsel for the Defendants.

7. Defendant Wey's home address is: 10 West Street, Unit PH 1B and 37E, New York, NY 10004, which is the address set forth in the proposed order to show cause.

8. No prior request for the relief sought herein has been made.

Dated: New York, New York  
December 3, 2018

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Tom M. Fini



# NYSCEF - New York County Supreme Court Confirmation Notice



This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

153583/2015

**Christopher Brummer - v. - Benjamin Wey et al**

**Assigned Judge: Lucy Billings**

**Documents Received on 12/03/2018 12:17 PM**

| Doc # | Document Type   | Motion # |
|-------|---|----------|
| 999   | ORDER TO SHOW CAUSE ( PROPOSED )<br>Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e) |          |

### Filing User

|          |                     |                 |  |
|----------|---------------------|-----------------|--|
| Name:    | <b>Tom M. Fini</b>  | E-mail Address: | <b>tommfini@gmail.com</b>  |
| Phone #: | <b>917-561-4143</b> | Work Address:   | <b>The Empire State Building<br/>350 Fifth Ave., Suite 7412<br/>New York, NY 10118</b> |
| Fax #:   |                     |                 |  |

### E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 12/03/2018 12:17 PM:

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**ZIMMER, HEATHER M. - hzimmer@goldbergsegalla.com**

Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court  
Phone: 646-386-5956 Website: [http://www.nycourts.gov/courts/1jd/supctmanh/county\\_clerk\\_operations.shtml](http://www.nycourts.gov/courts/1jd/supctmanh/county_clerk_operations.shtml)

**NYSCEF Resource Center - EFile@nycourts.gov**  
Phone: (646) 386-3033 Fax: (212) 401-9146 Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)