

=====
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

Motion No. 2012-158

Germelia Joseph,
Respondent,

v.

George Athanasopoulos, Gus
Athanasopoulos, Peter
Athanasopoulos,
Defendants,
HDMJ Restaurant, Inc.,
Appellant.

MEMORANDUM:

The motion by counsel for HDMJ Restaurant, Inc. for permission to withdraw from representation of that party in this Court should be denied. On the Court's own motion, reconsideration is given to our September 15, 2011 order

accepting certification of a question by the United States Court of Appeals for the Second Circuit, and, upon reconsideration, certification by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, should be declined.

In light of appellant HDMJ's unwillingness to participate in this Court on the certified question or to further prosecute the appeal in the Second Circuit, as evidenced by its motion to withdraw the appeal in that court, and the apparent disintegration of the attorney-client relationship between appellant and its counsel, any further consideration of this matter by this Court is not warranted. Therefore, after reconsidering our prior order, we decline to accept the certified question.

* * * * *

Motion by counsel for HDMJ Restaurant, Inc. for permission to withdraw from representation of that party in this Court denied; on the Court's own motion, reconsideration given to its September 15, 2011 order accepting certification of a question by the United States Court of Appeals for the Second Circuit, and, upon reconsideration, certification of question by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, declined, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

March 29, 2012