

LAW OFFICES OF HOWARD BENJAMIN

ATTORNEY AT LAW
437 MADISON AVENUE
36TH FLOOR
NEW YORK, NEW YORK 10022

(212) 832-3006

HOWARD BENJAMIN

August 19, 2020

VIA FACSIMILE AND E-FILE

Honorable Magistrate Kevin N. Fox
U.S. District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSEMENT

RE: Aurelio Flores Moreno and Lucino Morales Victoria
v. 153 J and J Food Market and Julian Ramos
17-cv-09439

Dear Magistrate Fox:

With respect to the above matter, I enclose the Consent to Change Attorney and Appearance of Counsel I e-filed on behalf of defendants.

On August 11, 2020, I received an e-mail from plaintiff's counsel, Daniel Tannenbaum, Esq. advising me that my e-filing was not the proper method to switch attorneys.

As per Mr. Tannenbaum's e-mail, I reviewed Local Civil Rule 1.4 which appears to require the attorney of record for a party may not withdraw from a case without leave of the Court granted by order.

My understanding based on the defendants' "attorney of record", Enrique Leal, Esq., who signed the Consent to Change Attorney, is that Mr. Leal is not asserting a retaining or charging lien.

My inquiry is whether Mr. Leal is required to make a motion seeking to be relieved since Local Civil Rule 1.4 seems to require the attorney of record seeking to be relieved to do so or whether on order can be granted based on the consents of both the defendants and Mr. Leal.

HOWARD BENJAMIN
Honorable Magistrate Kevin N. Fox
U.S. District Court
Southern District of New York
August 19, 2020
Page 2

Since I do not have an e-mail address for Your Honor, I am e-filing and faxing to you while at the same time I am copying Mr. Tannenbaum, Mr. Leal, and defendants via e-mail.

Respectfully yours,


Howard Benjamin

HB/ies
Encl.

cc: Daniel Tannenbaum, Esq. (via e-mail, with encl.)
Enrique Armando Leal, Esq. (via e-mail, with encl.)
Julian Ramos (via e-mail, with encl.)

9/5/20

The Court is not able to provide litigants or their counsel advice. Counsel is directed to review the relevant Local Civil Rule of this court and the associated Committee Note and to proceed in strict accordance with the same.

SO ORDERED:

 ,USMJ

Notices

1:17-cv-09439-LTS-KNF Flores Moreno et al v. JJ Food Market Corp. et al

CASREF,ECF

U.S. District Court**Southern District of New York****Notice of Electronic Filing**

The following transaction was entered by Benjamin, Howard on 7/23/2020 at 10:45 AM EDT and filed on 7/23/2020

Case Name: Flores Moreno et al v. JJ Food Market Corp. et al

Case Number: 1:17-cv-09439-LTS-KNF

Filer: Julian Ramos

Document Number: 63

Docket Text:

NOTICE OF APPEARANCE by Howard Benjamin on behalf of Julian Ramos. (Attachments: # (1) Supplement Notice of Appearance of Counsel).(Benjamin, Howard)

1:17-cv-09439-LTS-KNF Notice has been electronically mailed to:

Daniel Alan Tannenbaum dtannenbaum@faillacelaw.com

Enrique Armando Leal enriqueleal219@gmail.com

Howard Benjamin hollywilson43@gmail.com

Michael Antonio Faillace michael@faillacelaw.com, brenda@faillacelaw.com, ctucker@faillacelaw.com, dtannenbaum@faillacelaw.com, fgomez@faillacelaw.com, jbarton@faillacelaw.com, jorge@faillacelaw.com, kjohnson@faillacelaw.com, paralegal10@faillacelaw.com, paralegal11@faillacelaw.com, paralegal12@faillacelaw.com, paralegal15@faillacelaw.com, paralegal4@faillacelaw.com, paralegal6@faillacelaw.com, paralegal7@faillacelaw.com, paralegal9@faillacelaw.com, reception@faillacelaw.com

1:17-cv-09439-LTS-KNF Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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Document description:Supplement Notice of Appearance of Counsel

Original filename:n/a

Electronic document Stamp:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AURELIO FLORES MORENO and LUCINO
MORALES VICTORIA *individually and on behalf
of others similarly situated,*

17-CV-9439

Plaintiff,

**CONSENT TO
CHANGE ATTORNEYS**

-against-

153 J and J FOOD MARKET CORP. (d/b/a JJ
FOOD MARKET) and JULIAN RAMOS,

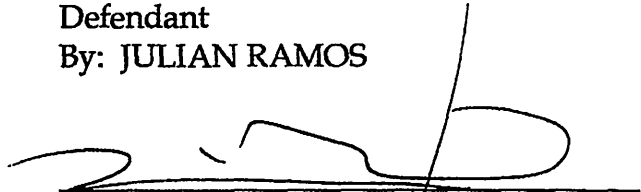
Defendants.
-----X

The undersigned hereby consents and agrees that Howard Benjamin, Esq., attorney of record for Plaintiff/Defendant, be changed and that Howard Benjamin, Esq. with offices located at 437 Madison Avenue, 36th Floor, New York, New York 10022, be substituted as attorney for Plaintiff/Defendant in the place and instead of Enrique A. Leal, Esq.

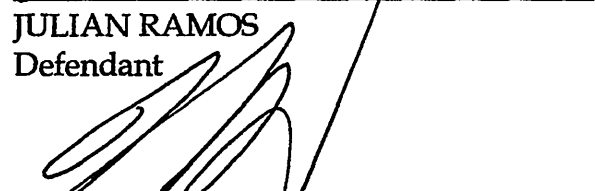
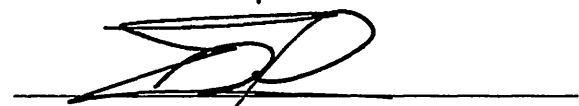
Dated: New York, New York
July 21, 2020



JJ FOOD MARKET CORP.
Defendant
By: JULIAN RAMOS



JULIAN RAMOS
Defendant


HOWARD BENJAMIN, ESQ.
Incoming Attorney

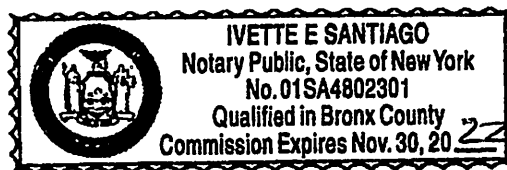
ENRIQUE A. LEAL, ESQ.
Outgoing Attorney

ACKNOWLEDGMENT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On the 21st day of July in the year 2020, before me, the undersigned, a notary public in and for said state, personally appeared JULIAN RAMOS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by her/his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Ivette E Santiago
NOTARY PUBLIC



UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aurelio Flores Morales and Lucino Morales Victoria
individually and on behalf of others similarly situated,

Plaintiff

153 J and J Food Market Corp. (d/b/a JJ Food
Market) and Julian Ramos,

Defendant

Case No. 17-CV-9439

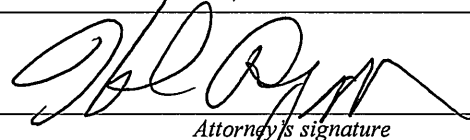
APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

153 J and J Food Market Corp. (d/b/a JJ Food Market) and Julian Ramos,

Date: New York, New York
July 22, 2020


Attorney's signature

HOWARD BENJAMIN, ESQ.

Printed name and bar number

437 Madison Avenue, 36th Fl.
New York, New York 10022

Address

benjesq@aol.com

E-mail address

(212) 832-3006

Telephone number

(212) 829-1518

FAX number

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AURELIO FLORES MORENO and LUCINO
MORALES VICTORIA *individually and on behalf*
of others similarly situated,

17-CV-9439

Plaintiff,

**CONSENT TO
CHANGE ATTORNEYS**

-against-

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FOOD MARKET) and JULIAN RAMOS,

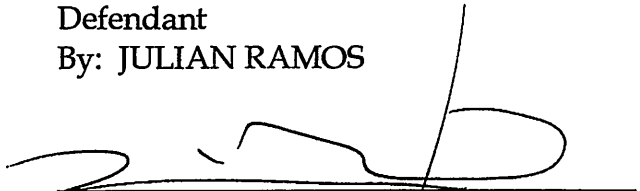
Defendants.
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Dated: New York, New York
July 21, 2020



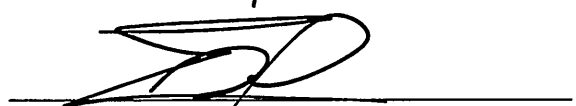
JJ FOOD MARKET CORP.
Defendant
By: JULIAN RAMOS



JULIAN RAMOS
Defendant



HOWARD BENJAMIN, ESQ.
Incoming Attorney



ENRIQUE A. LEAL, ESQ.
Outgoing Attorney

TRANSMISSION VERIFICATION REPORT

TIME : 08/19/2020 13:47
NAME :
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DATE, TIME	08/19 13:45
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