

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
HUDA BOWMAN,	:	
	:	
	:	<b><u>TURN-OVER ORDER OF CASE-</u></b>
Plaintiff,	:	<b><u>FILE</u></b>
	:	
-against-	:	23 Civ. 4269(AKH)
	:	
CITY OF NEW YORK, et. al.,	:	
	:	
	:	
Defendants.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Huda Bowman moves to compel her former attorney, Kevin Johnson of the Hamra Law Group PC, to produce his case-file to her present attorney, John Scola. The motion was not opposed, and is granted, with one exception: Kevin Johnson may retain memoranda and drafts he may have written, that is, his work product.

Huda Bowman retained the Hamra Law Group on August 10, 2021 to file her "1983" case, complaining of sexual harassment by her commanding officer. The firm was paid a retainer of \$6,000, and a refresher of \$1,200, and agreed to a 1/3 contingency against a recovery. The complaint was filed May 23, 2023. When the attorney working on the case left the firm, Bowman discharged Johnson and his firm, and retained Scola to represent her. However, despite persistent demand, Johnson refused to enter a stipulation of discharge and substitution or turn over his case-files. Johnson has not asserted a lien. He simply has ignored every request made to him.


A lawyer must turn over the case-file he has gathered and return any unearned fees when his services are terminated. *Sage Realty Corp. v. Proskauer Rose Goetz & Mendelsohn L.L.P.*, 689 N.E.2d 879, 883 (N.Y. 1997); N.Y. Rules of Prof. Conduct § 1.16(e).

Since Johnson and his law firm has been paid, he has no lien. Although a lawyer whom a client has discharged may assert a charging lien against a potential recovery, see *Itar-Tass Russian News Agency v. Russian Kurier, Inc.*, 140 F.3d 442, 449 (2d Cir. 1998); N.Y. Judiciary Law § 475, Johnson's non-action waived the lien, see *Kaplan v. Reuss*, 497 N.E.2d 671, 672 (N.Y. 1986).

Plaintiff is entitled to the case-file immediately. Should Johnson fail to turn over the file, the court will consider an appropriate sanction. Counsel will attend (virtually) a status conference to be held April 12, 2024 at 10:00 am.

SO ORDERED.

Dated: March 26, 2024  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge