

**SUPREME COURT, STATE OF NEW YORK
COUNTY OF WESTCHESTER**

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**In the Matter of the Petition of
BROPHY & LAUB,**

Index No: 59381/2012

Petitioner,

NOTICE OF PETITION

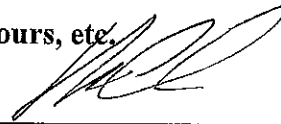
**For an Order Permitting Deposit of Funds
into the Lawyers Fund for Client Protection
Pursuant to 22 NYCRR §1200.46(f) [DR 9-102(f)].**
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PLEASE TAKE NOTICE that upon the annexed petition of ALFRED C. LAUB and documents attached thereto, a Petition for Payment of Funds to the Lawyers Fund for Client Protection pursuant to 22 NY.C.R.R. §1200.46(f), will be submitted to the Supreme Court, State of New York, County of Westchester, 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, New York 10601 on June 25, 2012, or as soon thereafter as counsel can be heard, for an Order pursuant to 22 NYCRR §1200.46(f), directing payment of escrow funds totaling \$3,106.81, less the filing fee in the amount of \$305.00, be paid forthwith to the Lawyer's Fund for Client Protection and relieving Brophy & Laub, Esqs., a partnership, from any of liability for such funds,

and for such other and further relief that this Court shall deem appropriate under the circumstances.

**Dated: June 11, 2012
White Plains, New York**

Yours, etc.



**ALFRED C. LAUB
277 Tarrytown Road
White Plains, NY 10607
(914) 683-1112**

**TO: Timothy O'Sullivan, Esq.
Executive Director
Lawyers Fund for Client Protection
119 Washington Avenue - 3rd Floor
Albany, New York 12210**

SUPREME COURT, STATE OF NEW YORK
COUNTY OF WESTCHESTER

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In the Matter of the Petition of
BROPHY & LAUB

Index No: 59381/2012

Petitioner,

PETITION

For an Order Permitting Deposit of Funds
Into the Lawyers Fund for Client Protection
Pursuant to 22 N.Y.C.R.R. §1200.46(f) [DR 9-102(f)].

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ALFRED C. LAUB, being duly sworn avers and states:

1. I was admitted to the New York State Bar on January 17, 1979 in the third Judicial Department.
2. I am a former partner of the Brophy & Laub law firm which was dissolved as of December 31, 2004. I worked in conjunction with Joseph J. Brophy with winding down the affairs of the practice. The firm's accounts remained in my possession.
3. Beginning in 1989, the firm maintained an escrow account at Citibank, entitled "Brophy & Laub Escrow Acct" Account No.: 33211285 (the IOLA Account). The IOLA account has not been used for any transactions over the last seven (7) years but, the bank statement has repeatedly indicated that the account had a balance. As a result, Mr. Brophy and I spoke on several occasions and we agreed that our office manager, who is still an employee of my law firm, would review the financial records. Subsequently, we were able to identify certain funds, which were then refunded to identifiable clients, leaving a balance of \$3,106.81.
4. Unfortunately, due to a lack of records going back beyond seven (7) years, we were not able to determine if any clients or other parties [related to a client transaction] were owed a

specific amount from the remaining funds in the IOLA account. As far as we can tell, the funds cannot be identified as relating to legal fees or disbursements owed to my former practice. Moreover, to date, no client or third party has contacted me or Mr. Brophy, nor has anyone sought return of funds. *A copy of the most recent bank statement indicating that the funds are being maintained is attached as Exhibit "1".*

5. Accordingly, this petition is submitted pursuant 22 N.Y.C.R.R. §1200.46(f) for an order permitting payment of funds into the Lawyer's Fund for Client Security, and discharging me and my former partner, Joseph J. Brophy, as stakeholders, from liability to any person, as it relates to those funds.
6. Generally, interpleader pursuant to Section 1006 of the C.P.L.R. is the method used for relieving the stakeholder where there are known claimants. Since I have no information that any client or third party can establish a claim, and the funds do not belong to my former firm, the appropriate procedure, pursuant to 22 N.Y.C.R.R. §1200.46 (f), in the case of unknown or missing clients and/or third parties, is to seek an order from the court in which the action was brought, directing payment of funds to the Lawyer's Fund for Client Protection for safeguarding and disbursement.
7. Additionally, 22 N.Y.C.R.R. §1200.46 (f) provides that the Court may issue an "order directing payment to the lawyer of any fees and disbursements that are owed to the lawyer by the client".
8. Thus, it is respectfully requested that this Court issue an Order pursuant to 22 N.Y.C.R.R. §1200.46(f), directing:
 - payment of the filing fees of \$305.00 for this petition be deducted from the funds totaling \$3,106.81;

- the balance of the funds totaling \$2,801.81 be sent by check to the Lawyer's Fund for Client Protection; and
 - relieving the undersigned, Alfred C. Laub, and Joseph J. Brophy of liability for such funds.
9. Please be advised that the Lawyer's Fund for Client Protection is being contemporaneously put on notice of this motion. I can only assume our request for relief will not be opposed.
10. Please be further advised that no previous petition for this relief has been made to this Court, or any other court of competent jurisdiction.

WHEREFORE, it is respectfully requested that this motion be granted in its entirety and for such other and further relief as this Court deems just and necessary.

**Dated: White Plains, New York
June 11, 2012**



ALFRED C. LAUB