
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 24-267 (KMW)

against

**AMENDED APPLICATION TO WITHDRAW AS
ATTORNEY OF RECORD**

ERIC RIVERA, ADRIENNE
PONZO, and JAMES
WESSELS,

Defendants.

Amended Application is hereby made for an Order allowing the undersigned attorney to withdraw as attorney of record for Defendant Eric Rivera:

1. There have arisen between counsel and Mr. Rivera severe irreconcilable differences that have prevented counsel and Mr. Rivera from being able to discuss his case and his defense.
2. There have been accusations against the undersigned attorney that do not allow him to continue representing Mr. Rivera. Mr. Rivera is entitled to counsel that he can confide in, speak with, and with whom he believes fully represents his interests. None of those parts of the attorney/client relationship currently exist and cannot exist based on discussions that counsel asserts are privileged.
3. Reasons for withdrawal of counsel include a client's lack of cooperation, including lack of communication with counsel, and the existence of irreconcilable conflict between attorney and client. *See Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, 657 B.R. 382 (S.D.N.Y. 2024); *Farmer v. Hyde Your Eyes Optical, Inc.*, 60 F. Supp. 3d 441 (S.D.N.Y. 2014).

Courts may also consider whether the prosecution of the suit is likely to be disrupted by the withdrawal of counsel, the likely prejudice to the client, whether the motion is opposed, and whether unpaid representation has become a severe financial hardship to the firm. *Stair v. Calhoun*, 722 F. Supp. 2d 258 (E.D.N.Y.

2010). Additionally, hostility or irreconcilable differences between the attorney and the client are sufficient to warrant a withdrawal. *Krick v. Raytheon Company*, 757 F. Supp. 3d 342 (E.D.N.Y. 2024). The issues between counsel and client have unfortunately risen to the level of hostility and accusations against the undersigned attorney which have shown to counsel that there is no more attorney/client relationship that exists and differences are irreconcilable.

4. There will be no prejudice to the Government, the Court's administration of Justice, or Mr. Rivera as the trial in this matter is set for October 1, 2025 [DE 58].¹
5. Mr. Rivera's has not responded to requests for his position on this motion.
6. Counsel for the United States, AUSA Daniel Friedman, has indicated that the Government's position is that, because leave of Court is required for counsel to withdraw, and because the Court needs to balance the relevant factors after considering all of the facts of a particular case, the Court should hold a hearing as soon as possible to consider the issue and avoid undue delay in the administration of justice.²

Dated: April 28, 2025

Respectfully submitted,
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¹ The Government has set a deadline for plea negotiations that counsel will ask the Government to extend based on the issues raised in this motion.

² Counsel Philip Reizenstein is starting a one-month trial before Judge R. Altman in the Southern District of Florida (Case No. 24-cr-20341, *USA v. Ramirez*). Counsel will request permission from Judge Altman to attend a hearing on the present motion telephonically if this Court allows.