

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Thomas Bostic and Diane Douglas-Quick v. United States of America

Bostic · No. 22-cv-5058 (DLI) (PK) · Decided January 20, 2026

SUMMARY

The United States District Court for the Eastern District of New York granted the United States’ motion to disqualify Harris Keenan & Goldfarb PLLC from representing both plaintiffs in a Federal Tort Claims Act action arising from a vehicle collision. The court held that concurrent representation of the driver and passenger created a prima facie conflict that could not be overcome by the plaintiffs’ friendship, litigation posture, or asserted lack of prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of New York                                                                                                                                                       |
| WRITING FOR THE COURT | Dora L. Irizarry                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the Eastern District of New York                                                                                                                                                       |
| DECIDED               | January 20, 2026                                                                                                                                                                                                        |
| DOCKET                | 22-cv-5058 (DLI) (PK)                                                                                                                                                                                                   |
| DISPOSITION           | other                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Defendant moved to disqualify plaintiffs' counsel based on an alleged impermissible concurrent-representation conflict between the driver plaintiff and the passenger plaintiff. The district court granted the motion. |
| STANDARD OF REVIEW    | The district court exercises discretion in deciding whether attorney disqualification is warranted and balances the client's choice of counsel against the need to maintain professional standards.                     |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                 |

TOPICS

- civil procedure
- negligence
- torts
- affirmative defenses

PRACTICE AREAS

- civil procedure
- legal ethics
- Federal Tort Claims Act
- automobile negligence

## QUESTIONS PRESENTED

1. Whether counsel's concurrent representation of the driver and passenger involved in the same automobile accident was prima facie improper because their interests were potentially adverse.
2. Whether the plaintiffs' testimony attributing fault to the USPS driver, their decision not to assert a cross-claim, their friendship, and the late stage of the litigation overcame the heavy burden required to defeat disqualification.
3. Whether the court should disqualify counsel from representing either plaintiff to preserve the integrity of the adversary process.

## HOLDINGS

1. Concurrent representation of the driver and passenger is prima facie improper because the passenger may need advice concerning claims against, or investigation of, the driver, while the driver's representation requires minimizing liability to all claimants.
2. Those circumstances do not overcome the heavy burden required to defeat disqualification because the potential conflict exists whether or not the passenger has already asserted a claim against the driver.
3. Disqualification was warranted despite the late stage of the litigation because protecting the integrity of the adversary process outweighed the short-term delay and prejudice associated with obtaining new counsel.

## KEY QUOTATIONS

*“However, it is “prima facie improper” for an attorney to engage in concurrent representation of two or more clients.” (unpaginated)*

*“HKG cannot do both and simultaneously fulfill its ethical obligations.” (unpaginated)*

*“Here, Plaintiff-Passenger’s interests only can be represented and protected adequately if she and Plaintiff-Driver each are represented independently.” (unpaginated)*

*“For the reasons set forth above, Defendant’s motion to disqualify Plaintiffs’ counsel from representing either Plaintiff is granted.” (unpaginated)*

## FACTUAL BACKGROUND

Thomas Bostic was driving a 2010 Hyundai Elantra owned by passenger Diane Douglas-Quick when a United States Postal Service truck allegedly backed into the Elantra. Plaintiffs alleged that the USPS employee negligently caused the collision and that the United States was vicariously liable. The same law firm represented both plaintiffs, although the passenger potentially could assert claims or cross-claims against the driver and the driver had an interest in minimizing his liability.

## PROCEDURAL HISTORY

Plaintiffs filed a Federal Tort Claims Act action against the United States arising from a collision between their vehicle and a United States Postal Service truck. Plaintiffs were jointly represented by Harris Keenan &

Goldfarb PLLC. The United States moved to disqualify that firm because it concurrently represented the driver and passenger, whose interests could be adverse; plaintiffs opposed and the United States replied. The district court granted the motion and disqualified the firm from representing either plaintiff.

## DISPOSITION

other

## CASES CITED

- GSI Commerce Solutions, Inc. v. BabyCenter, L.L.C., 618 F.3d 204, 209 (2d Cir. 2010)
- Genao de Valdez v. A. Duie Pyle, Inc., 2024 WL 4710877, at \*1 (E.D.N.Y. Nov. 7, 2024)
- Shaikh ex rel. Shaikh v. Waiters, 185 Misc. 2d 52, 54-55 (Nassau Cnty. Sup. Ct. 2000)
- Castillo Abreu v. Alvarez, 2024 WL 5251985, at \*2, \*4 (E.D.N.Y. Dec. 31, 2024)
- Anderson v. Nassau County Department of Corrections, 376 F. Supp. 2d 294, 298 (E.D.N.Y. July 6, 2005)
- Cinema 5, Ltd. v. Cinerama, Inc., 428 F.2d 1384 (2d Cir. 1970)
- Cresswell v. Sullivan & Cromwell, 922 F.2d 60, 72 (2d Cir. 1990)
- HLP Properties, LLC v. Consolidated Edison Co. of New York, 2014 WL 5285926, at \*3 (S.D.N.Y. Oct. 16, 2014)
- Cohen v. Strouch, 2011 WL 1143067, at \*3 (S.D.N.Y. Mar. 24, 2011)
- Board of Education of City of New York v. Nyquist, 590 F.2d 1241, 1246 (2d Cir. 1979)