

LITIGATION

OUR PRACTICE

Rosenberg & Estis has long been known for tenacious litigation, representing clients in all aspects of residential and commercial real estate. The breadth of our litigation experience has earned R&E the honor by the New York Law Journal of Litigation Department of the Year: Real Estate (2020, 2018) along with the designation as Approved Outside Counsel to the Federal Deposit Insurance Corporation (FDIC). We are aggressive and have the experience and knowledge to litigate a case to the Court of Appeals. Nevertheless, we strive to resolve conflicts and settle on favorable terms where possible, thereby reaching favorable outcomes for our clients and containing the litigation costs. We achieve favorable outcomes across a range of matters including:

- Commercial Lease Disputes
- Commercial Arbitration (Rent Reset and Property Valuations)
- Reorganization & Bankruptcy
- Loft Law
- Administrative Proceedings, including Office of Administrative Trial and Hearings, Environmental Control Board, and the Board of Standards and Appeals
- Appeals
- Human Rights Law / Reasonable Accommodation Requests
- Co-op/ Condo Disputes
- Class Action Defense
- Construction Disputes and Adjoining Access Issues
- Adverse Possession Cases
- Foreclosure (Mezzanine and Mortgage)
- Commercial Litigation
- Landlord /Tenant Disputes, including Yellowstone injunctions
- Contract Disputes
- Partnership and Joint Venture Disputes
- Eminent Domain / Condemnation
- Constitutional Challenges
- Building Violation Resolution
- Mechanics' Lien Proceedings

OUR CLIENTS

We represent a wide range of clients, including Property owners, Developers, Investment and Advisory firms, REITs, Management companies, Commercial tenants, Shopping center owners, Co-op/Condo Boards, and Construction companies.



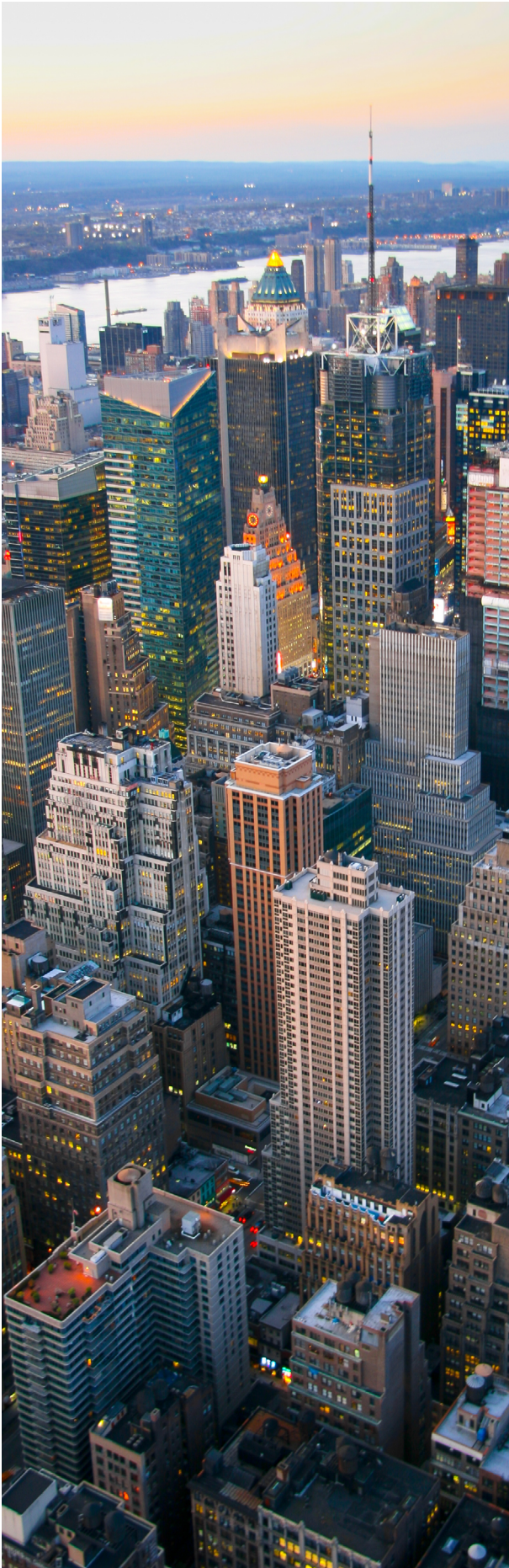


A WIDE BREADTH OF REPRESENTATION

Since 1975, Rosenberg & Estis, P.C.'S legal team has successfully navigated high-stakes litigation in a broad range of disputes. We represent clients in New York City, state and federal courts in all areas of real estate, including property valuation, rent regulation, landlord-tenant disputes, Mitchell-Lama housing issues, lease disputes, brokerage disputes, condemnation and constitutional law. We are proud that Rosenberg & Estis is the "go to" firm for industry groups, such as the Rent Stabilization Association (RSA), Community Housing Improvement Program (CHIP) and the Real Estate Board of New York (REBNY), to act as amicus curiae counsel in appeals vital to New York's real estate industry.

Our litigation practice spans the breadth of real estate law from contractual issues, landlord/tenant and co-op/condo disputes, to loft law and mortgage foreclosure, and everything in between. We represent owners, lessees, not-for-profit entities, educational institutions, developers and lenders in city, state and federal courts. Other matters include business disputes, dissolutions of LLCs and partnerships, fair market valuation of net leases, rent re-sets, commercial leases, construction litigation, brokerage disputes, plenary court actions, arbitrations and mediations.

We defend owners in claims involving accessibility issues under the Americans with Disabilities Act ("ADA") and federal housing. Landlord/tenant proceedings to recover possession of premises, rent regulatory laws and hearings before administrative agencies, courts and the judiciary, class action suits alleging rent overcharges, due diligence in connection with property acquisitions and co-op & condo disputes regarding house rules, proprietary leases, adjoining property owner disputes, roof and terrace disputes, including water damage and insurance issues are just some of the ways we serve our clients. We represent loft building owners in coverage applications, the legalization process, applications for rent increases and in their transition to rent stabilization. We handle cases with lenders and borrowers in foreclosure litigation, overseeing cases involving mezzanine loans, major commercial properties and multiple liens.



NOTABLE WORK

- The Appellate Division, First Department, New York State Supreme Court, upheld the trial court's decision and order denying New York parking giant Icon Parking Holdings, LLC's motion to dismiss the firm's veil-piercing claims in a dispute over nonpayment of \$1.3 million in rent by Icon's subsidiary.
- Significant victory at the Appellate Division, First Department, setting precedent for lenders and servicers to prevent debtors from delaying commercial foreclosure auctions based on technical arguments. In this case of first impression, R+E obtained a unanimous reversal of an earlier Supreme Court denial of its motion for summary judgment on its claim to foreclose an \$8.1 million mortgage on a commercial condominium unit in SoHo.
- Secured the first court order prohibiting Airbnb and a New York City tenant from listing the tenant's apartment on Airbnb. This was the first injunction against Airbnb and one of its hosts since New York City implemented Local Law 18, which prohibits the short-term rental of unregistered apartments.
- Successfully defended a motion to quash a subpoena for bank records, short-circuiting a delay tactic by an apartment tenant who clocked up over \$60,000 in unpaid rent that he claimed to have paid. The firm won an order denying businessman Jeremy Bernstein's motion to quash a subpoena of his Bank of America records that would disprove his claims that he had been paying his rent.
- Successfully defeated a motion to dismiss by its landlord seeking to evict Alliance from its longtime premises as counsel to Global Partners LLC and wholly-owned subsidiary, Alliance Energy, LLC.
- Casey vs. Whitehouse was another significant win in the last year for R+E. In Casey, the Court of Appeals reversed the Appellate Division, First Department's decision granting the tenants' summary judgment in a rent overcharge class action, holding that that the landlord had engaged in fraud in calculating and registering the tenants' rents in 2012, after the 2009 Court of Appeals decision, and that all the tenants' rents must be calculated using DHCR's punitive default rent formula.