

LITIGATION

Rosenberg & Estis provides full-service representation and advice in every aspect of real estate. We are the top choice for NYC's most prominent developers, landlords and institutions.

AREAS OF FOCUS

- · Commercial Lease Disputes
- · Real Estate Partnership Disputes
- Appeals
- Arbitration (Fair Market Value Rent Resets and Operating Expense)
- Real Estate Bankruptcy & Reorganizations
- · Loft Law
- Administrative Proceedings (OATH, ECB, BSA Appeals)
- Human Rights Law / Reasonable Accommodation Requests
- · Co-op/ Condo Disputes
- · Class Actions
- Construction Disputes and Adjoining Access Issues
- Adverse Possession
- Foreclosures (Mezzanine/Mortgage/UCC)
- · Landlord /Tenant Disputes
- Contract Disputes
- Eminent Domain / Condemnation
- · Constitutional Challenges
- · Building Violation Resolution
- Mechanics' Lien Proceedings

OUR PRACTICE

In the bustling and ever-evolving landscape of New York City, navigating the intricacies of real estate law can be a formidable challenge. Whether you're a property owner, developer, investor, or commercial tenant, legal disputes in the real estate sector can have significant implications for your investments and future. That's where R&E"s awarding winning litigation department in.

For over five decades, R&E has been the "go to" firm for New York real estate litigation. Our highly respected team of litigators has unmatched expertise helping clients avoid, resolve and win complicated real estate disputes. Our proven track record of success earned R&E the honor of being awarded **Litigation Department of the Year** by the New York Law Journal in 2018 and again in 2020.

R&E's clients benefit from an unparalleled depth of knowledge and a commitment to excellence that sets us apart in the industry. With real estate as our sole focus, our litigators understand the complexities and intricacies of New York real estate like no others. Through collaboration with our transactional attorneys, we take time to understand the business aspects of every deal to provide a comprehensive, cost-effective approach to litigation when disputes inevitably arise. Our knowledge and appreciation for the value and importance of "the deal" allows us to uncover every potential litigation strategy for our clients.







Comprehensive Real Estate Representation Since 1975

Industry groups, such as the Rent Stabilization Association, Community Housing Improvement Program and the Real Estate Board of New York also acknowledge R&E as the experts in real estate litigation and routinely call on us to act as *amicus curiae* counsel in appeals directly impacting New York's real estate industry.

Our firm has truly been at the forefront of shaping New York real estate law over its long and storied history and we continue to lead the industry into the future, including successfully representing its clients in two of the most significant Court of Appeals decisions affecting real estate over the past few years: Matter of Regina Metro. Co., LLC v New York State Div. of Hous. and Community Renewal (2020) and Matter of Casey v Whitehouse Estates, Inc. (2023).

OUR CLIENTS

R&E provides industry-focused litigation to all real-estate focused groups, including:

- · Property owners
- Developers
- · Investment and Advisory firms
- · REITs
- · Management companies
- · Commercial tenants
- Shopping center owners
- · Co-op/Condo Boards
- · Construction companies

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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.

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