

# ARIEL S. BRESKY

## MEMBER - Litigation

11 Grand Central East, New York, NY 10017 abresky@rosenbergestis.com 212-551-1256

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### Practice Areas

- Real Estate Litigation
- Complex Commercial Litigation
- Commercial Leasing and Landlord-Tenant Disputes
- Trials and Appeals
- Bankruptcy and Creditors' Rights
- Commercial Mortgage Foreclosure
- Construction and Development Disputes
- Cooperative and Condominium Law

### Bar Admissions

- New York, 2017
- U.S. District Court, Southern District of New York, 2024
- U.S. District Court, Eastern District of New York, 2024

### Education

**Brooklyn Law School**

- J.D. - 2016

Honors & Activities:

- Inaugural Two-Year Accelerated J.D. Program

**University of Central Florida**

- B.S., Legal Studies and Real Estate, *magna cum laude* - 2012

**Ariel S. Bresky** is a Member of the Litigation Department at Rosenberg & Estis, P.C., where he represents real estate owners, developers, investors, lenders, businesses, cooperative and condominium boards, and commercial tenants in complex real estate and commercial litigation. His practice encompasses disputes concerning the ownership, development, financing, leasing, and operation of real property, as well as commercial contracts, business relationships, and corporate governance.

Bresky handles a broad range of real estate and commercial disputes, including commercial leasing, mortgage foreclosure, development and air rights, easements and restrictive covenants, construction and adjoining-property disputes, and partnership and fiduciary litigation. His practice also includes bankruptcy-related litigation, fraudulent transfer claims, and creditors' rights matters. He represents clients in New York State and federal courts at the trial and appellate levels, handling matters from preliminary injunctions and other provisional remedies through trial, appeal, and judgment enforcement.

In addition to his litigation practice, Bresky serves as outside general counsel to cooperative and condominium boards, civic associations, and private membership organizations, advising on governance, regulatory compliance, contractual matters, and property operations.

Prior to joining Rosenberg & Estis in 2023, Bresky served as Associate General Counsel to ATCO Properties & Management, Inc., a Manhattan-based owner and operator of commercial and residential real estate, and previously practiced as a litigation associate at a multidisciplinary law firm. His experience as both in-house and outside counsel provides a practical understanding of the financial and operational considerations that inform litigation decisions, enabling him to assess disputes in the context of his clients' business interests and long-term objectives.

## Notable Work

*Real Estate Litigation, Injunctions and Appeals*

- Represented Bryant Park Corporation in litigation concerning the termination of Ark Restaurants Corp.'s leases for the Bryant Park Grill, Café and Porch, defeating Ark's application for a preliminary injunction following a contested evidentiary hearing. The application

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sought to prevent the termination of the leases and the transition of the restaurant operations to a new operator. *Ark Restaurants Corp. v. Bryant Park Corp*. (Sup. Ct., N.Y. Cnty. 2025).

- Obtained a preliminary injunction on behalf of the Board of Managers of the 88 Franklin Street Condominium prohibiting AIRE Ancient Baths from operating its Tribeca pools and saunas pending remediation of deficiencies in its dehumidification system that caused excessive moisture, mold, and damage to the condominium building. The injunction conditioned the resumption of operations on completion of the required corrective work and approval by the condominium's engineer.
- Secured the ejectment of a rent-stabilized tenant for repeated violations of a preliminary injunction restraining objectionable conduct, together with a finding of civil contempt and an award of attorneys' fees. In a decision of first impression, the court extended equitable ejectment principles beyond violations of court-ordered use and occupancy obligations to repeated defiance of an injunction protecting building residents and personnel. *211 Sea Foam Properties, LLC v. Johnson*, Index No. 653254/2025 (Sup. Ct., N.Y. Cnty. Nov. 25, 2025).
- Obtained a judgment of ejectment and monetary relief against an occupant of a Midtown Manhattan property and successfully opposed an application to the Appellate Division, First Department, seeking to stay enforcement of the judgment. *15 West 55th St. Property LLC v. Goldman* (Sup. Ct., N.Y. Cnty. 2026).
- Represented the owner of an Orange County shopping center in an eviction proceeding against a commercial tenant operating an unlicensed cannabis business, recovering possession and obtaining a money judgment following trial. The matter was featured in The Real Deal. *Dunning Farms LLC v. Cao* (2026).
- Successfully challenged an order of closure issued by the New York City Sheriff against a commercial property in Queens, obtaining a final administrative determination vacating the closure and restoring the owner's control of the premises.
- Secured an order of ejectment and a $49,500 money judgment against the former superintendent of a luxury Upper East Side cooperative within six weeks of commencing litigation.

*Commercial Leasing and Complex Business Disputes*

- Obtained summary judgment on liability for the owner of a Manhattan commercial building against a tenant that abandoned its premises more than four years before expiration of its lease, defeating the tenant's defenses of constructive eviction and breach of the covenant of quiet enjoyment. *Bradley Acquisition LLC v. Quest Builders Group, Inc*. (Sup. Ct., N.Y. Cnty. 2026).
- Represented the owner of a Downtown Brooklyn commercial property in litigation against a national pet care operator, its guarantor, and affiliated entities following the abandonment of a long-term lease. The action involved claims for breach of lease, fraudulent inducement, veil piercing, and voidable transactions and resulted in a favorable negotiated resolution for the landlord.
- Secured judicial confirmation of a Real Estate Board of New York arbitration award in favor of Warburg Realty in a brokerage

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commission dispute with Douglas Elliman, defeating a cross-petition to vacate the award based on allegations of arbitrator bias. *Warburg Realty Partnership Ltd. v. Douglas Elliman, LLC*, 2020 N.Y. Slip Op. 31303(U) (Sup. Ct., N.Y. Cnty. 2020).

*Development, Construction and Institutional Representation*

- Represents the owner of a Manhattan residential building in a dispute arising from adjoining construction that obstructed a longstanding means of emergency egress, resulting in violations issued by municipal authorities and the imposition of fire-safety measures. The representation involves enforcement of court-ordered construction access obligations, the protection of asserted easement rights, and claims arising from interference with the building's use and occupancy.
- Advises a prominent Manhattan real estate developer concerning the extinguishment of nineteenth-century restrictive covenants burdening a Midtown development site pursuant to RPAPL 1951.
- Represents a commercial condominium unit owner in litigation challenging the condominium board's proposed sale of the building's development rights to an adjoining developer.
- Negotiated the legal framework for the National Arts Club's $3.3 million façade preservation and rehabilitation of the historic Tilden Mansion on Gramercy Park.
- Obtained an order compelling a cooperative shareholder to pay maintenance pendente lite and deposit $118,989.82 in outstanding arrears with the court pending resolution of the underlying litigation.

*Federal Litigation, Bankruptcy and Creditors' Rights*

- Obtained dismissal with prejudice of claims under the Americans with Disabilities Act, Fair Housing Act, RICO, Rehabilitation Act, and federal civil rights statutes arising from transitional housing accommodations at the Harlem YMCA. *Oduka v. Davis* (S.D.N.Y. 2026).
- Represents individual and corporate defendants in a RICO and fraudulent conveyance adversary proceeding before the United States Bankruptcy Court for the Eastern District of New York.