



BRENDAN J. DERR

MEMBER - Litigation

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Practice Areas

Litigation
Commercial Lease Disputes
Loft Law
Co-op / Condo Disputes
Construction Disputes and Adjoining Access Issues
Adverse Possession Cases
Landlord / Tenant Disputes, including *Yellowstone* Injunctions
Contract Disputes
Mechanics' Lien Proceedings
Construction Agreements

Bar Admissions

New York, 2012
U.S. District Court Southern District of New York, 2012

Education

Fordham University School of Law

• J.D. (*magna cum laude*) - 2011

Honors & Activities:

• Order of the Coif; Archibald R. Murray Public Service Award; *Environmental Law Review*, Business and Technology Editor

Pace University

• M.S.T. - 2006

Fordham University

• J.A. (*cum laude*) - 2004

Honors & Activities:

• Dean's Scholarship; GreenPoint Bank Scholarship; The Fordham Club

Brendan J. Derr joined Rosenberg & Estis, P.C. in 2018 and is a Member with the firm's Litigation Department. Derr is an experienced litigator whose practice includes representing clients in a diverse range of disputes including those relating to real estate, construction, and complex commercial/business matters in both state and federal courts, as well as in arbitration. He routinely drafts and negotiates license agreements for access on behalf of developers and neighboring property owners/tenants, and has successfully litigated numerous RPAPL 881 proceedings. Derr is known for applying his knowledge and pragmatism to achieve favorable results for his clients. Prior to joining Rosenberg & Estis, Derr was an associate with Bracewell LLP.

Derr graduated from Fordham University (*cum laude*) with his Bachelor of Arts Degree in American Studies and History in 2004. He earned a Masters of Sciences in Teaching from Pace University in 2006 and his J.D. from Fordham University School of Law in 2011, where he graduated *magna cum laude*.

Prior to joining Rosenberg & Estis, Derr was an Associate with Bracewell LLP.

Notable Work

- Successfully litigated several RPAPL Section 881 proceedings on behalf of developers and adjacent owners.
- Represented a commercial landlord in arbitration with tenant-restaurant, of which he was a one-third partner, over, *inter alia*, an option to purchase the building and breach of fiduciary duties.
- Represented restaurant owner and personal guarantor in action against global mall developer concerning partial eviction and unpaid rent.
- Successfully moved for summary judgment and obtained a \$2.7 million judgment against commercial tenant that prematurely vacated the premises and failed to pay rent.
- Successfully moved for summary judgment in lieu of complaint against personal guarantor of commercial lease.
- Successfully moved to dismiss third-party action brought by commercial tenant against commercial landlord for breach of contract, negligence, contribution and indemnification arising from the tenant's installation of signage on the exterior of a condo building.



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- Represented the owner and management company of a historic Times Square building against a general contractor and subcontractor in a contract dispute and successfully negotiated the removal of several mechanics' liens on the property.
- Represented an investment fund in federal court, and in retaliatory state court actions, against the former officers and directors of a publicly traded company for breach of fiduciary duty in causing the failure of the company.
- Represented a multi-national utility under investigation by both the New York State Attorney General and the Governor's Moreland Commission regarding alleged misrepresentations concerning storm preparation and response to Hurricane Sandy and other recent storms.
- Represented Italian shipping company, Marco Polo Seatrade, Ltd., in connection with its precedent setting Chapter 11 case.
- Conducted internal investigations and responded to inquiries and subpoenas from various regulatory bodies, including a multi-year fraud investigation into a global construction company conducted by the Manhattan District Attorney.

Published Works

- CPLR 3213 Motions for Summary Judgment in Lieu of Complaint: An Update, New York Law Journal, June 2023
- Need To Protect Your Neighbor's Property? It's Going To Cost You., New York Law Journal, March 25, 2022
- NYC Construction Industry, There's a New Sheriff In Town, Law360, August 13, 2015
- From Friend Request To Document Requests: Preserving Social Media In Anticipation Of Litigation, Bloomberg BNA – Social Media Law & Policy Report, Vol. 3, No. 34, September 2, 2014

Professional Associations

- New York State Bar Real Estate Property Law Section, Construction Committee