

BRETT B. THEIS

MEMBER - Litigation

11 Grand Central East, New York, NY 10017 btheis@rosenbergestis.com 212-551-8494

Practice Areas

- Litigation (Commercial)
- Litigation (Real Estate)
- Appellate Law
- Condominium/Cooperative Law
- Americans with Disabilities Act ("ADA") Litigation
- Landlord/Tenant Law
- Construction Law

Bar Admissions

- New York, 2004
- U.S. District Court Southern District of New York, 2004
- U.S. District Court Eastern District of New York, 2004

Education

Villanova University School of Law

- J.D. - 2003

West Chester University

- B.A. - 2000

Brett B. Theis joined Rosenberg & Estis, P.C. in 2008 and is a Member with the firm's Litigation Department. Theis is a seasoned commercial litigator and advisor, focusing his practice on the representation of New York property owners and developers in all facets of their real estate matters. Theis leads a specialized group of attorneys in R&E's award-winning Litigation Department, where he brings a "value-add" mindset to his clients' often unique and complex disputes involving real property.

Theis' clients include some of New York's largest investment and advisory firms, publicly traded REITs, commercial landlords and management companies, shopping center owners, international pension funds, not-for-profit corporations, and families with large real estate holdings. Theis uses his vast knowledge of New York law and nearly 20 years of litigation experience to evaluate complicated matters and develop intelligent, cost-effective strategies to achieve his clients' goals.

One of Theis' proudest recent achievements and an example of his "value-add" mindset came during the COVID-19 pandemic. He successfully cleared a lower Manhattan development site occupied by over a dozen commercial tenants at a time when the courts were effectively shut down, doing so without any tenant "buyouts." As a result, Theis' developer client was able to timely commence demolition and construction of new building to secure one of the last 421a development sites in New York, which his client ultimately sold at a substantial profit.

Theis regularly represents his clients in high-stakes matters in all New York state and federal courts, including appellate courts, and maintains an active arbitration practice. He has first-chaired numerous jury and non-jury cases to verdict and has been equally successful winning cases on motions for summary judgment and obtaining extraordinary injunctive relief for his clients when necessary.

Theis' legal career started in the New York City Law Department, where he was awarded for his outstanding achievement in commercial and real estate litigation as a first-year attorney by Corporation Counsel Michael Cardozo.

Notable Work

- 184 Joralemon LLC v. Brooklyn Hts Candos, LLC, 117 A.D. 3d 699 (1st Dep't 2014)

BRETT B. THEIS

- 184 Joralemon LLC v. Brooklyn Law School, 31 Misc.3d 1201(A) (Sup. Ct. Kings Co. 2011)
- Salnikova v. Cuomo and S&P Associates of New York, 2010 WL 4053102, 2010 N.Y. Slip op. 32791(U) (Sup. Ct. N.Y. Co. 2010)
- Ladies Mile v. Diamond, Sup. Ct. N.Y. Co. Index No. 111368/04
- Dolp 675 Properties II, LLC v. Barai Capital LLC, Sup. Ct. N.Y. Co. Index No. 600953/09
- Manhattan Properties I, LLC v. Park B. Smith, Inc., Sup. Ct. N.Y. Co. Index No. 600924/09
- VNO 100 West 33rd Street LLC v. Square One of Manhattan, Inc., 22 Misc.3d 560 (Civ. Ct. N.Y. Co. 2008)
- Flushing Expo, Inc. v. New World Mall, LLC, Sup. Ct., Queens Co., Index No. 28443/11

Honors & Awards

- Outstanding Achievement in Commercial and Real Estate Litigation as a First Year Attorney, City of New York, Office of the Corporation Counsel, 2004
- New York Super Lawyers, 2020 - Present

Professional Associations

- New York City Bar Association, Member
- New York State Bar Association, Member