



ETHAN R. COHEN

MEMBER - Litigation

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Practice Areas

Litigation

Commercial Arbitration (Rent Reset and Property Valuations)

Administrative proceedings, including Office of Administrative Trial and Hearings, Environmental Control Board, and the Board of Standards and Appeals

Appeals

Co-op / Condo Disputes

Class Action Defense

Construction Disputes and Adjoining Access Issues

Adverse Possession Cases

Landlord / Tenant Disputes, including *Yellowstone* Injunctions

Contract Disputes

Partnership and Joint Venture Disputes

Constitutional Challenges

Building Violation Resolution

Mechanics' Lien Proceedings

Rent Stabilization Issues: Coverage, Rent Overcharge, Substantial Rehabilitation and Regulatory Compliance

Article 78 Proceedings and Appeals Challenging Agency Orders

Administrative Law

Bar Admissions

New York, 2013

Education

University of Maryland School of Law

• J.D. (*magna cum laude*) - 2012

Williams College

• B.A. - 2009

Ethan R. Cohen joined Rosenberg & Estis, P.C. in 2014 and is a Member and Head of the firm's Appellate Litigation Department.

Since joining Rosenberg & Estis in 2014, Cohen has built a reputation as one of the city's most accomplished young commercial and appellate real estate litigators, representing some of the largest property owners across New York City. His legal acumen, particularly in all areas of appellate litigation, including disputes involving complex landlord-tenant issues, breach of contract claims, and regulatory compliance, has made him a go-to advisor for high-stakes and appellate matters.

Cohen has been a key player as appellate counsel in a string of high-profile and landmark appellate cases, including the pivotal Court of Appeals' decisions in *Casey v Whitehouse Estates, Inc.* (2023) ("Casey") and *Matter of Regina Metro. Co., LLC v New York State Div. of Hous. and Community Renewal* (2020) ("Regina"), which is considered one of the most significant court decisions to impact the New York real estate industry in decades. Cohen played a substantial role in all three of these cases.

In *Casey*, the Court agreed with Cohen's arguments and unanimously held that the Appellate Division misapplied the historic *Regina* ruling. In Cohen's second Court of Appeals victory in as many cases, the Court also confirmed that fraud will only allow the punitive default rent formula to be used where a tenant shows that a fraudulent scheme to deregulate an apartment tainted the reliability of the rent on the base date rent four years prior to the action.

In *Regina*, after the New York City real estate industry was stunted by the passage of the Housing Stability and Tenant Protection Act of 2019 ("HSTPA"), Cohen helped secure a precedent-setting victory in which the Court of Appeals held that retroactive application of the HSTPA in pending and future rent overcharge cases was unconstitutional, saving property owners millions of dollars and preventing potentially catastrophic underwriting and liability costs. The Court of Appeals also significantly held that tenants must establish all of the common-law elements of fraud before a court may employ DHCR's default rent formula against a landlord, an important ruling for owners in New York.

In his most recent appeal before the New York State Court of Appeals, *Burrows v 75-25 153rd Street, LLC*, 44 NY3d 74 (2025), Ethan represented the Respondent in arguing against the Plaintiffs rent related class action



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claims. His appellate briefs contributed to a major win when the Court rejected the tenants' claim about rent concessions and clarified the legal standard for determining fraud, sending that part of the case back to a lower court to review it again.

Other noteworthy appellate cases include *477 Realty, L.L.C v the Wing Soho et al*, 234 AD3d 469 (1st Dept 2025) where he successfully argued an appeal at the Appellate Division, First Department, which affirmed the denial of a motion to dismiss his client's complaint, which asserted claims of fraudulent conveyance of tenant assets, veil piercing based on alter ego, disregard of corporate formalities, and unjust enrichment. Other successful appeals include *Hayward v Site 4 DSA Owner LLC*, 226 AD3d 510 (1st Dept 2024); *Schmidt v Bd. of Directors of Duane Owners, Inc.*, 232 AD3d 500 (1st Dept 2024); and *VNO LF 50 W. 57th St. LLC v Mangia 57, Inc.*, 84 Misc 3d 131(A) (App Term, 1st Dept 2024).

Over the course of his career, Cohen has successfully litigated cases of critical, industrywide importance on behalf of the city's most prominent owners and developers, including The Durst Organization, Vornado Realty Trust, and A&E Real Estate. Among other litigation victories, Cohen won a summary judgment decision against ecommerce giant Amazon after it allegedly breached a letter of intent with The Durst Organization in a matter that was later resolved between the parties.

Prior to joining Rosenberg & Estis, Cohen served as an Appellate Court Attorney with the State of New York Supreme Court, Appellate Division, Third Judicial Department and was an Associate Attorney at the Breier Deutschmeister Urban Popper Law Group PLLC.

Cohen achieved his J.D. magna cum laude in 2012 from the University of Maryland School of Law. He earned his bachelor's degree in sociology in 2009 from Williams College, where he was also an accomplished college wrestler.

Notable Work

- *Burrows v 75-25 153rd St., LLC*, 2025 NY Slip Op 01669 (Ct. App. Mar. 20, 2025)
- *477 Realty, L.L.C v the Wing Soho et al*, 234 AD3d 469 (1st Dept 2025)
- *Hayward v Site 4 DSA Owner LLC*, 226 AD3d 510 (1st Dept 2024)
- *Schmidt v Bd. of Directors of Duane Owners, Inc.*, 232 AD3d 500 (1st Dept 2024)
- *VNO LF 50 W. 57th St. LLC v Mangia 57, Inc.*, 84 Misc 3d 131(A) (App Term, 11st Dept 2024)
- *Casey v Whitehouse Estates, Inc.*, 39 NY3d 1004 (2023)
- *Durst Pyramid LLC v Silver Cinemas Acquisition Co.*, 222 AD3d 431, 431 (1st Dept 2023)
- *Sonnenschein v 1986-F&S of New York, Ltd.*, 217 AD3d 487 (1st Dept 2023)
- *Regina Metro. Co., LLC v New York State Div. of Hous. and Community Renewal*, 35 NY3d 332 (2020)
- *Reich v. Belnord Partners LLC*, 168 AD3d 482 (1st Dept 2019)
- *Sag Harbor Pooh, LLC v Plaza Surf and Sport, Inc.*, 60 Misc3d 137(A) (App Term, 2d Dept 2018)

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- *68-74 Thompson Realty, LLC v Heard*, 54 Misc3d 144(A) (App Term, 1st Dept 2017)
- *Vornado 40 East 66th St Member v. Krizia Spa*, 135 AD3d 649 (1st Dept 2016)
- *Tap Tap, LLC v 558 Seventh Ave. Corp.*, 144 AD3d 409 (1st Dept 2016)

Published Works

- “‘Cool Homes for All’ Legislation Causing Heated Discussions,” New York Law Journal, August 2026
- “Source of Income Discrimination Law Becomes a Source of Contention and Confusion,” New York Law Journal, March 2026
- “Liability on Lockdown: Can Landlords Bring Takings Claims Over COVID Eviction Moratoriums?” New York Law Journal, December 2025
- “Be Careful What You Stip For: ‘Liggett v. Lewitt Realty LLC,’” New York Law Journal, September 2024
- “Retroactively Reshaping the Analysis of Succession Rights: When Does a Tenant Permanently Vacate an Apartment?” New York Law Journal, August 2024
- “Retroactively Redefining ‘Fraud’: The Chapter Amendments,” New York Law Journal, February 2024
- “The Well-Intended Human Rights Violation,” New York Law Journal, December 2023
- “Are Inclusionary Air Rights Unique? Specific Performance Revisited,” New York Law Journal, October 2023
- “The ‘Fraud Exception’ Requires Fraud,” New York Law Journal, August 2023
- “NY Rent Recovery Case Adds Structure To Overcharge Claims,” Law360, April 2020

Honors & Awards

- New York Law Journal Legal Awards Rising Stars Honoree, 2025
- Super Lawyer: 2024-present
- Super Lawyers Rising Star: 2017-2023