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Riese, again, eats the MTA's lunch

By STEVE CUOZZO

Restaurateur **Dennis Riese** has eaten the MTA's lunch for a third time.

In the latest court ruling over how much the agency owes for evicting him from downtown buildings to make room for the Fulton Street Transit Center, a judge yesterday found that Riese's DLR Properties is entitled to about \$15 million from the MTA for the value of restaurant contents lost in the condemnation of 194-196 Broadway.

Those buildings were among a dozen-odd properties seized under eminent domain years ago.

The domed Transit Center was once scheduled to open three years ago. It's now supposed to open in 2014.

The MTA claimed in court it didn't have to pay Riese for the lost contents because DLR was both the owner of the building and a tenant in three different eateries including KFC — and it shouldn't

have to pay Riese twice.

"The strategy is called 'trying to pierce the corporate veil,' which the judge rejected," said **Warren Estis** of law firm Rosenberg & Estis, which repped Riese in the case and in two related prior ones.

Judge **Martin Shulman** found that the tenants were distinct corporate entities and thus entitled to the full value of "trade fixtures."

Noting that the MTA lost two prior cases involving the properties, Estis said, "The MTA has been trying to low-ball us for six years."

The first time, the court ruled the MTA must pay Riese's company \$35.2 million for the buildings it seized rather than \$15 million it originally offered.

The MTA appealed that finding — and lost again.

The second loss included a ruling that the MTA also had to pay DLR lawyers' fees.

MTA spokesman **Kevin Ortiz** said, "The matter is still being litigated so we have no comment at this time."