



HOWARD W. KINGSLEY

MEMBER - Litigation

733 Third Avenue, New York, NY 10017 | hkingsley@rosenbergestis.com | 212-551-8434



Practice Areas

- Litigation (Real Estate, Commercial)
- Construction Litigation
- Landlord Tenant Law
- Bankruptcy (Creditor's Rights)
- Mortgage Foreclosures, Lien Foreclosures

Bar Admissions

- New York, 1989
- U.S. District Court Southern District of New York, 1991
- U.S. District Court Eastern District of New York, 1991
- U.S. District Court District of Connecticut, 1991
- U.S. Court of Appeals 2nd Circuit, 1998

Education

Touro College Jacob D. Fuchsberg Law Center

- J.D. - 1989

Honors & Activities:

- Oral Advocacy Award, 1987; *Touro Journal of Transnational Law*, Managing Editor, 1987 - 1988

University of Maryland, College Park

- B.S. - 1983

Howard W. Kingsley, AV Rated by Martindale Hubbell and a SuperLawyer, joined Rosenberg & Estis, P.C. in 1998 as a Member in the firm's Litigation Department. Throughout Kingsley's more than 30 years of experience in commercial real estate and construction litigation, he has skillfully and zealously handled, navigated and tried many complex cases in state, federal and bankruptcy courts and alternative dispute resolution fora. His breadth and depth of experience provides him with an exceptional understanding of issues to create and execute a vision to effectively accomplish the client's objectives, including in high profile cases.

Some of Kingsley's cases have been featured on the front page of *The New York Law Journal*. For Carnegie Hall, he obtained possession of more than 50 apartments, paving the way for the gut-rehab of the towers above the legendary concert hall. In another case, he obtained a rare injunction preventing litigants from making motions or commencing new actions with respect to the subject matter of the case, and also obtained a rare court order directing an attorney to be incarcerated for his misconduct. Another case featured in various publications was the action on behalf a commercial landlord seeking to hold 400 former partners of the now defunct law firm of Dewey & LeBoeuf, personally liable for the hundreds of millions owed under the firm's lease for its Manhattan headquarters.

Kingsley represents lenders and borrowers in commercial mortgage foreclosures. For example, Kingsley obtained summary judgment for a special servicer of a CMBS loan and foreclosed on a \$195-million mortgage covering 50 properties in Manhattan. Recognizing his extensive experience in mortgage foreclosures, courts have appointed him as referee and as the attorney for receivers. He also represents purchasers of distressed mortgage loans in foreclosure as a strategy for obtaining large and valuable vacant development sites in New York City.

Kingsley litigates and arbitrates construction disputes, including design and defect claims, and defends claims against mechanics who have filed multi-million-dollar liens against buildings. He has handled disputes between partners of joint ventures regarding their "business divorce." He also represents commercial landlords in bankruptcy courts by aggressively and effectively pursuing their rights. He has represented REITs and well-known real estate developers and owners.

Kingsley has authored articles appearing in legal journals, and publications have often sought his expertise in reporting on current real estate issues, such as the COVID-19 pandemic.



733 Third Avenue,
New York, NY 20017
www.rosenbergestis.com

HOWARD W. KINGSLEY

Notable Work

- Casey v Whitehouse Estates, Inc. __ NY3d __, 2023 WL 2529525, won reversal in New York's highest State Court in J-51 rent over-charge class action
- Carnegie Hall Corp. v. Niffenegger, 18 Misc.3d 490. "Carnegie Hall May Evict Tenants from its Towers, Housing Court Decides," 12/5/07 NYLJ, p. 1
- Riverside Syndicate, Inc. v. Munroe, 10 N.Y.3d 18 (2008); "Stipulation is Found to Violate Public Policy," 4/9/07 NYLJ, p. 1
- Broome Lender LLC v Empire Broome LLC, 220 AD3d 611 (1st Dept 2023)
- Getty Properties Corp. v. Getty Petroleum Marketing Inc. (Index No. 651762/12), 150 A.D.3d 541 (1st Dept 2017); 115 A.D.3d 616 (1st Dept 2014), lv. denied 23 N.Y.3d 1006 (2014); 117 A.D.3d 578 (1st Dept 2014); 106 A.D.3d 429 (1st Dept 2013); 2013 NY Slip Op 31312(U) (Sup. Ct. N.Y. Co.); "Court Orders Warrant for Arrest of Attorney for Contempt," 12/12/13 NYLJ, p. 1
- W&W Glass, LLC v. 1113 York Ave. Realty Co., Inc., 83 A.D.3d 438 (1st Dept 2011), reversed and vacated \$9 million judgment
- 501 East 87th St. Realty Co., LLC v. Ole Pa Enterprises Inc., 191 Misc.2d 796, aff'd 304 A.D.2d 310 (1st Dep't 2003), evicted famous rock musician
- Noto v. Bedford Apts. Co., 21 A.D.3d 762, (1st Dept 2005)
- Rosenberg & Estis, P.C. v. Bergos, 18 A.D.3d 218, (1st Dept 2005)
- GMS Capital Corp. v. Siegmund Spiegel/Baldur Peter, P.C., 251 A.D.2d 542, (2d Dept 1998)
- Mobayed v. Kleinfeld, 172 F.3d 38 (2d Cir. 1999)
- 2 Montauk Highway LLC v. Global Partners LP, 296 F.R.D. 94 (E.D.N.Y. 2013), motion to dismiss granted
- Alstra Capital Management LLC v. PGRF I 1633 Broadway Tower LP, 2009 WL 2905759 (Bankr. S.D.N.Y.), obtained summary judgment and defeated preliminary injunction motion by a commercial tenant seeking to prevent its eviction of an entire floor of class A office space
- Getty Properties Corp. v. Getty Petroleum Marketing Inc. (Index no. 652752/11): R&E represented the REIT in connection with a \$5 million/month lease for 800 properties in 12 states. The landlord terminated the lease and obtained a mandatory injunction requiring the tenant to place into escrow all rents it received from hundreds of subtenants, which, as intended, forced the tenant to file for bankruptcy protection. R&E represented the landlord in the bankruptcy court. In the ensuing fall-out, R&E obtained possession of many properties in other litigations throughout the state of NY.
- 20 West 98 Realty LLC v. New York Province of the Society of Jesus, 8 Misc.3d 1020(A)



HOWARD W. KINGSLEY

Published Works

- “Borrower’s Common Defenses in Mortgage Foreclosures Negated,” New York Law Journal, January 2024
- “NY Commercial Landlords Should Beware New Housing Law,” Law360, 2019
- “Mitigation of Damages: What is the Story? Two Decisions Leave Questions.” 12/1/04 NYLJ, p. 5, col. 2
- “Lenders Are Awarded Post-Foreclosure Rights,” N.Y. Real Property Law Journal, Summer 1999

Professional Associations

- New York City Small Claims Court, Arbitrator
- Court Fiduciary, Receiver, Referee
- American Bar Association, Member

