



LITIGATION DEPARTMENT OF THE YEAR: REAL ESTATE

## ROSENBERG & ESTIS, P.C.



### ROSENBERG & ESTIS, P.C. TEAM

*From left front row sitting are subgroup leaders members Norman Flitt, Timothy Fierst and Bradley Silverbush; managing member Luise Barrack; members Blaine Schwadel, Deborah Riegel, Michael Pensabene and Howard Kingsley. Standing behind in front row are associates Peter Kane, Ethan Cohen, Zachary Rothken and Nithin Jayadeva; members Neil Dwork, Nicholas Kamillatos and Warren Estis; Craig Charie, of counsel; Jeffrey Turkel, member; Meredith Ullman, of counsel; members Joshua Kopelowitz, Patti Stone and Brett Theis. Standing in back row are Alexander Lycoyannis, member; of counsel Michael Carr and Daniel Bernstein; associates Gregory Wong and Benjamin Koblentz; Mark Zelko, of counsel; associates Evan Rosenberg, Roxanna Brahimi, Alexander Estis and Cori Rosen; Michael Feinstein, member; associates Anthony Virga, Dejan Kezunovic, Jillian Levitt, Gregory Byrnes, Laura Davidov and Richard Corde; Michael Rosenblatt, of counsel; Adam Lindenbaum, member; Kumail Mirza, associate; Bension DeFunis, of counsel; Christopher Warren, associate; Jeanine Floyd, of counsel. Not photographed are Jason Davidson, member, Lori Anker Nott, of counsel and Jamie Krapf, of counsel*

**Q&A** **What are some of the department's most satisfying successes of the past year and why? Since its inception in 1975, Rosenberg & Estis has been at the cutting edge of New York real estate law** and has secured favorable rulings for its clients in some of the most consequential decisions issued by the courts. This past year was no different, as Rosenberg & Estis scored two high-profile victories in the area of rent stabilization and luxury deregulation. Most notable was our win at the Court of Appeals in *Altman v. 285 West Fourth LLC*, one of the most closely-watched cases in the real estate industry over the past several years. In *Altman*, the Court of Appeals agreed with our argument and unanimously held that under New York City's Rent Stabilization Law, allowable post-vacancy

rent increases for a rent-stabilized apartment could be added to the former tenant's rent to reach the threshold necessary for luxury deregulation. The lower court's order had thrown the city's residential housing market into turmoil by retroactively changing the manner in which the luxury deregulation threshold was reached, resulting in potentially crushing monetary liability for owners of rent-stabilized housing. The Court of Appeals' ruling, however, averted this unjustified and draconian result and prevented the reregulation of free-market housing stock in contravention of clear statutory law.

Also noteworthy was the Appellate Division, First Department's ruling in *Kuzmich et al. v. 50 Murray Street Acquisition LLC*, in which Rosenberg & Estis submitted an amicus curiae brief on behalf of the Real Estate Board of New York. In *Kuzmich*, a group of tenants residing in apartments created under what is known as the "421-g" tax abatement program claimed that their apartments had been wrongfully luxury deregulated, and a lower court had agreed with the tenants' claims.

However, the Appellate Division, relying in large part on the arguments advanced in our brief regarding the relevant statutory text and legislative history, reversed the lower court and held that the apartments had been properly deregulated and were not subject to rent stabilization.

The ruling was a victory for the real estate industry and the broader New York City economy because it affirmed that owners, developers, lenders and other investors can rely on clear statutory language in making investment decisions regarding the New York City real estate market. These victories, along with many others over the past year, have cemented our status as the preeminent real estate litigation practice in New York City.

**A prospective client in crisis calls and asks why your team should be retained. What is your answer?**

**There is no law firm and no lawyer that does or can do what R&E does better than this firm.** Our reputation precedes us from clients, to the bar, and the judges we appear before. The depth of R&E's bench and the forty plus years that we have practicing allows us to provide our clients with superior

**WITH MORE THAN 80 ATTORNEYS**, ROSENBERG & ESTIS HAS THE ABILITY TO UNDERTAKE ANY COMMERCIAL OR RESIDENTIAL REAL ESTATE MATTER WHILE MAINTAINING OUR COMMITMENT TO PERSONAL SERVICE.

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representation. Because the firm represents clients from the inception through the consummation of a real estate deal, we utilize that breadth of experience to obtain exceptional results for our clients, to avoid risks, and to protect them from liability.

**What traits do you respect most in opposing firms and lawyers? Integrity, intelligence, and a desire to find a way to resolve a dispute or close a deal in both parties' interests rather than run up fees.**

**What sorts of trends are you seeing in litigation, and what do you think will be the most important development in the law/legal business that will impact your field in the next 10 years? We are seeing institutional clients transfer their real estate matters away from big, full service laws firms to R&E** to benefit from our decades of experience in New York's unique real estate industry. Costs of legal services are something that will be all the more important to clients over the next ten years. Lawyers and law firms must remember that they are providing a service and have the ability to adapt to their client's needs and be mindful of the economics of every matter. R&E has the ability to offer a wide-range of billing rates commensurate with the work being performed to keep costs down and is attractive to our clients.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm?**

**Where appropriate, the firm gives associates and junior partners opportunities to appear in court on substantial matters**, interact with clients and opposing counsel, and to develop strategies that meet our clients' legal and economic goals. Gaining hands-on experience early on, and learning from our large number of seasoned partners, is invaluable for our future generation of litigators.