



Howard W. Kingsley Member

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Areas of Practice

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

Honors and Awards

AV Rated by Martindale Hubbell

Education

Touro College Jacob D. Fuchsberg Law Center

- J.D. - 1989
- Honors: Top 15% to 20%, Oral Advocacy Award, 1987
- Honors: Dean's List
- Law Journal: Touro Journal of Transnational Law, Managing Editor, 1987 - 1988

University of Maryland, College Park

- B.S. - 1983

Bar Admissions

- New York, 2004
- U.S. District Court Southern District of New York, 2006
- U.S. District Court Eastern District of New York, 2006



Martindale-Hubbell



Howard W. Kingsley joined Rosenberg & Estis, P.C. in 1998 and is a member with the firm's Litigation Department. Mr. Kingsley's real estate and commercial litigation experience of more than 25 years is broad, and he has skillfully handled and tried many complex real estate, commercial and landlord-tenant cases in state, federal and bankruptcy courts. His breadth and depth of experience provides him with an exceptional understanding of the issues and a vision to effectively accomplish the client's objectives.

Some of Mr. 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 studio 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 obtained a rare court order directing their attorney to be incarcerated for his criminal contempt unless he met several conditions, including the payment of attorneys' fees.

Mr. Kingsley represents commercial landlords in bankruptcy courts by aggressively and effectively pursuing their rights, rather than attempt to reach a resolution, as many bankruptcy attorneys typically do. Mr. Kingsley also litigates construction disputes, including defending claims against mechanics who have filed multi-million dollar liens against buildings. He has represented a REIT in many actions against operators of gas stations, as well as other landlords of gas stations. He also handles coop/condo disputes and loft issues.

Mr. Kingsley represents lenders in commercial mortgage foreclosures. For example, Mr. Kingsley obtained summary judgment for a special servicer of a CMBS and to foreclose on a \$195 million mortgage covering almost 50 properties in Manhattan. Courts have appointed him as attorney to receivers in commercial mortgage foreclosures. 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.

Mr. Kingsley has authored articles appearing in legal journals and has also volunteered his time as an arbitrator.

Published Works

- "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

Selected Cases and Representations

- Carnegie Hall Corp. v. Niffenegger, 18 Misc.3d 490, 852 N.Y.S.2d 663 (Civ. Ct. N.Y. Co. 2007). "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, 853 N.Y.S.2d 263 (2008); "Stipulation is Found to Violate Public Policy," 4/9/07 NYLJ, p. 1.
- *Getty Properties Corp. v. Getty Petroleum Marketing Inc.* (index no. 651762/12), 115 A.D.3d 616, 982 N.Y.S.2d 749 (1st Dep't 2014), *lv. denied* 23 N.Y.3d 1006 (2014); 117 A.D.3d 578, 985 N.Y.S.2d 414 (1st Dep't 2014); 106 A.D.3d 429, 966 N.Y.S.2d 1 (1st Dep't 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, 920 N.Y.S.2d 347 (1st Dep't 2011), reversed and vacated \$9 million judgment.
- *501 East 87th St. Realty Co., LLC v. Ole Pa Enterprises Inc.*, 191 Misc.2d 796, 745 N.Y.S.2d 827 (Sup. Ct. N.Y. Co. 2002), *aff'd* 304 A.D.2d 310, 757 N.Y.S.2d 31 (1st Dep't 2003), evicted famous rock musician.
- *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. PGREF I 1633 Broadway Tower LP*, 2009 WL 2905759 (Bankr. S.D.N.Y.), obtained summary judgment and defeated preliminary injunction motion to prevent eviction of a valuable floor of 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.

Representative Cases

- 220 West 98 Realty LLC v. New York Province for the Society of Jesus, 8 Misc.3d 1020(A), 2005 WL 1792597 (Civ. Ct. N.Y.Co. 2005)
- Noto v. Bedford Apts. Co., 21 A.D.3d 762, 801, N.Y.S.2d 21 (1st Dep't 2005)
- Rosenberg & Estis, P.C. v. Bergos, 18 A.D.3d 218, 794 N.Y.S.2d 341 (1st Dep't 2005)
- GMS Capital Corp. v. Siegmund Spiegel/Baldur Peter, P.C., 251 A.D.2d 542, 674, N.Y.S.2d 733 (2d Dep't 1998)
- Mobayed v. Kleinfeld, 172 F.3d 38 (2d Cir. 1999)

Representative Clients

- The Bank of New York Mellon Trust Company, National Association, as Trustee
- C-III Asset Management
- Douglas Developers/Levine Builders
- Paul Green School of Rock
- HRHR Realty

Professional Associations and Memberships

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