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ROSENBERG & ESTIS, P.C. PREVENTS MANHATTAN BUILDING OWNER FROM INCURRING SIX YEARS OF DAMAGES IN RENT OVERCHARGE DISPUTE

Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, successfully prevented a Manhattan building owner from incurring six years of potential damages from a tenant claiming she had been subject to rent overcharge while occupying a rent stabilized apartment.

On January 16, 2019, Honorable Arthur F. Engoron of the Supreme Court, New York County, issued a decision that precluded tenant from introducing any claim for damages based upon rent overcharge for the period after her lease terminated.

Joshua Kopelowitz, member, Blaine Z. Schwadel, member, and Kristen Campos, associate, of Rosenberg & Estis, P.C. represented the owner.

The tenant's lease term commenced on May 1, 2010 and was terminated on August 11, 2012 by order of the Housing Court. However, the tenant continued to occupy the apartment for another six years as a holdover tenant and "no longer a party to a lease."

R&E argued that tenant should not be permitted to allege rent overcharge and/or seek any damages for the period beyond August 11, 2012, when her tenancy was terminated.

The Court upheld R&E's arguments and issued an order precluding tenant from introducing any evidence of any kind related to any period after August 11, 2012, *i.e.*, when tenant's tenancy terminated. The Court held that tenant could not seek damages predicated on a rent overcharge claim for any period after August 11, 2012 and prevented the tenant from introducing any evidence in support of that post-lease claim.

"We are thrilled that the Court correctly recognized that tenant was attempting to benefit from her illegal holdover and rightly prevented same," said Kopelowitz.

About Rosenberg & Estis, P.C.

Founded in 1975, Rosenberg & Estis, P.C. is widely recognized as one of New York City's pre-eminent real estate law firms. Rosenberg & Estis, P.C. provides full service representation and advice in every aspect of real estate, from performing due diligence and evaluating financing, to handling joint ventures, acquisitions and leasing, construction and design team agreements, land use and zoning matters, co-op and condo offering plan filings, as well as the litigations and negotiations which sometimes ensue when deal making. Rosenberg & Estis' wealth of experience in New York real estate makes it the ideal thought partner for owners, developers, not-for-profit corporations, educational institutions, sponsors, equity investors and lenders in both real estate transactions and in all court venues.

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