

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

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### **ROSENBERG & ESTIS, P.C. WINS DISMISSAL OF A SUBSTANTIAL RENT OVERCHARGE CASE BY 29 TENANTS**

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Rosenberg & Estis, P.C., a premier New York City real estate law firm with an award-winning Litigation Department, successfully dismissed a 167-page complaint in a substantial rent overcharge case brought by 29 rent stabilized tenants at 560-568 Audubon Avenue in Manhattan who alleged that the landlord committed fraud by charging them rents for their rent stabilized apartments in excess of the maximum permitted by law.

Howard W. Kingsley, Joshua R. Kopelowitz and Ethan R. Cohen of Rosenberg & Estis, P.C. represented the owner, 560-568 Audubon Realty, LLC.

The decision, issued on September 13, 2018 by Honorable Barbara Jaffe of the New York Supreme Court in Manhattan, agreed with the landlord's arguments that the tenants' rent overcharge and fraud claims "are particularly suited to resolution" by the New York State Division of Housing and Community Renewal, "which has expertise in these matters." The Court also dismissed the tenants' claims that the landlord violated a federal lead paint disclosure statute and a New York consumer protection statute.

"This decision against 29 tenants is a major victory because it tells aggressive tenants and their overzealous attorneys that they cannot harass landlords by requiring them to rack up exorbitant legal fees when the amount of rent and any overcharge can be determined by DHCR without dragging the dispute through the rigors of the legal system," Kingsley said. "Thus, this victory avoided a very costly litigation for the owner, supports cost effective and uniform adjudication of rent overcharge disputes at DHCR and conserves precious judicial resources."

#### *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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