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FOR IMMEDIATE RELEASE:

CIVIL COURT JUDGE RULES AGAINST TENANT CLAIMING RENT-STABILIZED APARTMENT WAS PRIMARY RESIDENCE

*Rosenberg & Estis, P.C. Successfully Represents Building Owner in Case
Against Tenant Illegally Occupying Rent-Stabilized Apartment*

NEW YORK, February 16, 2011 — The owner of 27 East 62nd Street in Manhattan has prevailed in obtaining possession of a valuable rent stabilized apartment by establishing that the tenant primarily lived at his homes in Long Island and Florida. The case was decided by Judge Joseph Capella in a Housing Court case in the Civil Court of the City of New York.

Bradley Silverbush, a partner with Rosenberg & Estis, P.C., successfully represented the owner of 27 East 62nd Street, in the case of Sixty Second Street II, LLC vs. Minuto.

“This case required meticulous review and preparation prior to proceeding to trial,” said Silverbush. “We analyzed the defendant’s credit card receipts and phone records to properly and thoroughly cross-examine the tenant and his witnesses. Rosenberg & Estis is one of the few real estate based law firms with the resources and the wherewithal to assemble the amount of evidence required to successfully proceed with this case.”

To rebut Minuto’s claims, Silverbush utilized credit card records on cross-examination to demonstrate that the vast majority of Minuto’s credit card transactions relating to groceries and restaurants took place outside of Manhattan. In addition, by introducing the tenant’s cell phone records, Silverbush was able to establish that the tenant appeared to have spent only 130 nights at the 62nd Street apartment during the period between September 2006 and September 2008.

Following Silverbush’s detailed cross-examination, the court found that several of the witnesses were not credible and “exaggerated their knowledge of the respondent’s residency.” The court also determined that the other witnesses either “had no first hand knowledge of the respondent’s residency or could only place him in New York at most ten times a year during the relevant time period.”

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Based on the trial preparation and exhaustive cross-examination of the tenant and his witnesses, the owner was able to prove that the tenant did not use the apartment as his primary residence. The landlord obtained possession of the apartment and the matter has been scheduled for a hearing on the owner's claim for fair market value use and occupancy.

Founded in 1979, Rosenberg & Estis, P.C. is widely recognized as one of New York City's pre-eminent real estate law firms. Rosenberg & Estis, P.C. represents clients in all aspects of real estate development, transactions, financing, litigation, rent regulation and governmental affairs.

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