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ROSENBERG & ESTIS SECURES REIMBURSEMENT OF ATTORNEY FEES FOR CLIENT FROM STATE DIVISION OF HUMAN RIGHTS

Novel Argument Produces Exceedingly Rare Result Against DHR

Rosenberg & Estis, P.C. received a check for \$60,050 from the state of New York to reimburse its client, a New York cooperative corporation, for attorneys' fees. The one-time payment allowed the coop to recover a substantial portion of the legal fees it incurred fighting charges of alleged discrimination before the New York City Division of Human Rights.

Bradley Silverbush, a member of Rosenberg & Estis, P.C., represented the owner in the case along with Dani Schwartz and Anthony Virga.

The complainant, a shareholder of the coop, had claimed that she was denied an accommodation at the coop because of her purported depression. She claimed that her illness entitled her to keep a dog it had been discovered she was harboring in violation of the coop's rules. While the division initially found in favor of the coop, it reopened the case for referral to the Division of Housing and Urban Development for "further investigation."

When an Article 78 appeal to the State Supreme Court was denied, the coop appealed to the state's second highest court, which reversed the decision, reinstated the finding of no probable cause and affirmed the dismissal of the shareholder's complaint. The R&E team was able to satisfy a panel of five judges that ruled unanimously, in nearly record time, that the division's actions in this case were purely arbitrary.

Subsequently, the three R&E attorneys successfully presented a novel theory in support of their argument that the state should have to pay the coop's attorney's fees. After hearing arguments from both sides, the State Supreme Court agreed with the R&E team.

"The state of New York decided to forego any further appeal of the decision," said Silverbush. "In addition, the state agreed to settle the coop's claim by reimbursing our client a substantial portion of its legal fees. This is an extraordinary result for our client. Typically, private parties are denied attorneys' fees in litigation against the state Division of Human Rights, even where they prevail."

About Rosenberg & Estis, P.C.

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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