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ROSENBERG & ESTIS SECURES POSSESSION OF DISPUTED APARTMENT AFTER EPIC LEGAL BATTLE

Bradley Silverbush Achieves Judgment in Holdover Proceeding

Rosenberg & Estis, P.C., has secured a judgment in Housing Court against a tenant holding over in a Manhattan apartment, achieving possession of a disputed apartment after a marathon legal battle that involved back-dated legal documents, a family divorce, an investigation by the SEC, and a fight for control over a family owned business.

Bradley Silverbush, a Member of Rosenberg & Estis, P.C., represented Larry M. Small, as trustee for the Arie Genger 1995 Life Insurance Trust (which controlled the apartment) before Judge Jack Stoller in Housing Part H of the Civil Court of the City of New York in New York County.

The case was one of the final steps in an extraordinary legal battle focusing on Sagi Genger, an individual who was found after eight years of legal maneuvering to have defrauded his only sister out of an apartment at 225 West 83rd Street in Manhattan and to have breached his fiduciary responsibility to her. Despite numerous judgments against him, Sagi Genger continued to battle in court, and installed his father-in-law, Seymour H. Fang, an attorney, as a tenant in the apartment.

“The tenant aggressively fought eviction from the apartment, using every conceivable legal mechanism to remain in possession of the apartment,” Silverbush said. “We were able to anticipate and respond to all of his moves, securing the apartment for the client after numerous other attorneys had failed.”

Attorneys for the trust beneficiary on the other aspects of the highly complex seven-year legal battle included Eric D. Herschmann of Kasowitz, Benson, Torres & Friedman, LLP, and Lance Harris of Stein & Harris. Rosenberg & Estis was the fourth law firm retained by these attorneys to secure the apartment in the holdover proceeding. Silverbush swiftly moved through all the technical challenges in the case, avoiding the time and expense of a trial by achieving summary judgment directing the occupant to surrender possession and to pay all outstanding arrears.

“This was a huge win, and it was delivered in record time,” Silverbush said. “The tenant vacated the apartment days after we achieved victory, and paid the arrears.”

The case now moves on to determine damages.

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. represents clients in all aspects of real estate development, transactions, financing, litigation, rent regulation and governmental affairs.

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