



MICHAEL T. CARR

MEMBER - Litigation

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Practice Areas

Litigation (Real Estate)
Commercial & Residential
Landlord/Tenant Litigation
Real Estate Litigation
Leasing
Lease Enforcement
Lease Disputes
Contract Law
Administrative
Arbitration
Federal Practice

Bar Admissions

New York, 2011
U.S. District Court Eastern District of New York
U.S. District Court Southern District of New York
New Jersey, 2010
U.S. District Court District of New Jersey, 2010

Education

Brooklyn Law School
• J.D. - 2010
Binghamton University
• B.A. - 2006

Michael T. Carr is a member with the Litigation Department at Rosenberg & Estis, P.C. After only two years at R&E, Mr. Carr became one of the youngest attorneys in the firm's 45-plus year history promoted to member. From the start of his career, Mr. Carr has demonstrated strong business generation and a creative, cost-effective approach to litigation that sets him apart in the real estate sector. Mr. Carr's clients benefit from his non-traditional strategy of bringing cases to federal court, which has proven to be a swifter and more efficient manner of litigation.

Mr. Carr's practice has expanded from what was chiefly a residential landlord / tenant specialty, to advising now some of New York City's most prominent commercial owners and developers across a range of both litigation and transactional matters.

Mr. Carr has successfully tried jury and non-jury cases, litigating cases in Federal District Court and in New York State trial and appellate courts. He has also represented clients before various New York City administrative agencies including, the Office of Administrative Trial and Hearings and the Environmental Control Board. Although he enjoys taking cases to trial, his first instinct is to find a weakness in the opposition's case in order to gain an advantage in settlement negotiations.

Before joining the firm, Mr. Carr was a sole practitioner in Brooklyn, New York. During that time Mr. Carr represented many landlords both big and small, appearing personally in Kings County Housing Court on an almost daily basis. These clients included many new investors to Brooklyn who have contributed to the borough's renaissance. Mr. Carr has also represented various commercial tenants in housing court in connection with lease disputes and/or evictions.

Notable Work - Litigation

- Successfully negotiated the relocation of 7 tenants (6 of which were rent-stabilized) on consent from a building which was deemed "unsafe" by the New York City Department Buildings and in order to allow the owner to perform the necessary inspections thereto. The City had commenced an action against the owner in order to enforce violations rendered against the building and owner needed to perform an inspection to determine if the building was salvageable. This only could have been done with a vacant building.



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- Filed a motion for spoliation of evidence against City-agency plaintiff in connection with the enforcement of a City-held easement. After motion was filed, City-agency plaintiff agreed to settle the action. Settlement negotiations still pending.
- Successfully secured a \$191,000 judgment against a Tenant for his failure to strictly comply with the terms of stipulation of settlement before Hon. Kiyo A. Matsumoto of the United States District Court, Eastern District of New York, who also denied tenant's subsequent motion to vacate the judgment. This case arose from a complaint filed by Plaintiffs (the former owner of the building and the current owner of the building, his trust), which alleged Tenant, for more than two years, fraudulently and strategically took advantage of the former owner, an elderly and infirm man. On November 5, 2019, Judge Matsumoto granted R&E's motion and awarded Plaintiffs \$191,000 pursuant to the terms of the stipulation; Tenant moved to vacate the award that same day. In her decision denying the motion to vacate, Judge Matsumoto found, "[Tenant] failed to deliver an executed Surrender Notice and the apartment keys to [Plaintiffs] on or before October 31, 2019, pursuant to the Stipulation" and "...the apartment was littered with garbage and other personal property throughout, as opposed to 'in good and broom-clean condition...free and clear of all personal property.'" Judge Matsumoto went on to find that due to these facts, Tenant had not "established any extraordinary circumstance under Rule 60(b)(6) by adequately demonstrating any ground justifying relief."
- Successfully defeated a motion for contempt against Condo owner by Board of Managers. argue the vacatur of a preliminary against a Garage owner preventing the owner from operating the garage. NY Supreme 654039/2013
- Successfully secured judgment against Tenant in the amount of \$269,405.51 for unpaid rent who breach commercial lease in Bronx. Bronx Supreme 30050/2018E.
- Filed litigation in federal court to have easement extinguished. Successful secured settlement with Defendants who agreed to the extinguishment of easement. EDNY 17cv6071
- Filed litigation in federal court for partition by sale wherein Defendants settled and agreed to sell the property and split the proceeds. EDNY 19cv7274
- Successfully secured preliminary injunction against husband and stepchildren who were attempting to evict wife/stepmother from the marital residence of 30+ years. NY Supreme 157945/2019
- Successfully negotiated the settlement on behalf of an elderly client to re-enter his home of many years who was locked out of his home by his wife while he was in the hospital. NY Supreme 154444/2020
- CD.C.V. Holdings, Inc. v. Jamaica Management Inc. NYLJ, October 11, 2012 (Civ Ct, Kings Cty 2012)



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Notable Work - Transactional

- Represented seller of 528 Bergen Street, Brooklyn, NY on sale of building for ~\$8.6M
- Represented seller of 543 Bergen Street, Brooklyn, NY on sale of building for ~\$3.165M
- Represented seller of 3249 South County Road, Odessa, TX on sale of building for ~\$2.85M
- Regularly advise successful start-up YDC, Inc. d/b/a Rezi on regulatory issues involving residential leasing as well as handling all their litigation needs.

Classes & Seminars

- “Reasonable perspective on how to adapt the new paradigm with rental laws,” Property Management Construction Real Estate Convention, Panelist, August 2019

Professional Associations

- Kings County Housing Bar Association
- Brooklyn Bar Association
- New York State Bar Association