



# BRIAN L. FRIEDMAN

## MEMBER - Litigation

733 Third Avenue, New York, NY 10017 [bfriedman@rosenbergestis.com](mailto:bfriedman@rosenbergestis.com) 212-551-8464

### Practice Areas

Litigation  
Commercial Lease Disputes  
Commercial Arbitration (Rent Reset and Property Valuations)  
Appeals  
Co-op / Condo Disputes  
Construction Disputes and Adjoining Access Issues  
Contract Disputes  
Partnership and Joint Venture Disputes

### Bar Admissions

New York, 2000  
U.S. District Court for the Southern District of New York, 2001  
U.S. District Court for the Eastern District of New York, 2001

### Education

#### **New York University School of Law**

• J.D. - 1999

#### Honors & Activities:

• Criminal Appellate Clinic

#### **Duke University**

• A.B. in Political Science and History  
(*cum laude*) - 1996

#### Honors & Activities:

• Deans' List with Distinction; Pi Sigma Alpha (National Political Science Honor Society)

**Brian L. Friedman** joined Rosenberg & Estis, P.C. in 2022 and is a Member with the firm's Litigation Department.

Steeped with industry knowledge, a master of facts, and an astute problem solver, Friedman represents clients in investigations, courtrooms, mediations, and arbitrations, including FINRA arbitrations brought by customers or employees. Clients value Friedman's ability to turn complex factual and legal issues into compelling narratives and persuasive legal arguments.

Friedman represents clients in a variety of complex disputes involving contracts, business torts, fiduciary duty, insurance, bankruptcy, real estate, and construction. Before determining a litigation strategy for a client, Friedman gains a thorough understanding of the client's business operations, needs, and goals. He provides each client with strategic, results-based solutions that minimize the total cost and business disruption inherent to litigation. Clients also count on Friedman to represent them in investigations and enforcement proceedings by federal and state agencies, including the Securities and Exchange Commission, FINRA, the Commodity Futures Trading Commission, the National Futures Association, securities and commodities exchanges, state securities regulators, and the New York State Office of the Attorney General.

For employers, Friedman conducts internal investigations of employee complaints. He also represents employers in employment-related arbitrations and litigation. A trusted advisor, Friedman counsels employers on hiring employees subject to restrictive covenants and provides advice on various regulatory and compliance issues.

Prior to joining Rosenberg & Estis, Friedman was a Member with Epstein Becker & Green, P.C. and a Senior Counsel with Proskauer Rose LLP.

### Notable Work

- Represents the majority partners of a hotel in a \$50 million dispute with the minority partners over the valuation of certain interests that is pending in New York Supreme Court. Brian took over the case after prior counsel's discovery failures resulted in the answer being stricken, and he retained leading experts to demonstrate, at inquest, the flaws in plaintiffs' damages claims.
- Won a jury verdict after an 18-day trial for a leading media company



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in construction litigation involving a recently built major facility in New York City that experienced extensive problems with various underground building systems. Brian conducted extensive discovery, took an aggressive litigation stance, and, in court, presented meticulous documentation of the defects and conclusive expert testimony.

- Represented a major prime broker in several industry-wide lawsuits in state and federal court by shareholders of various companies that alleged that the prime brokers permitted naked short selling. Brian achieved a dismissal or a favorable settlement in all cases.
- Represented a leading international bank in an aggressive regulatory inquiry. Brian responded to extensive 8210 Requests, conducted multiple meetings with regulators to address their concerns, and negotiated a resolution, which included helping the client manage extensive remediation efforts.
- Represented the trustee for a securitized pool of student loans and a mono-line insurer in a matter in federal court seeking to enforce credit risk insurance policies issued by another issuer.
- Represented the plaintiff, a trustee for commercial mortgage-backed securities, in an action in the Southern District of New York against the originator for breach of contract over refusal to repurchase a loan.

## **Classes & Seminars**

- CLE Webinar: “Missouri Court Rules in Favor of Business Owners in COVID-19 Coverage Lawsuit: Recent Developments on Business Interruption Claims Stemming from COVID-19,” October 2020
- CLE Webinar: “Financial Services Part IV: Internal and External Investigations in the Highly Regulated Financial Services Industry,” July 2019

## **Published Works**

- “SEC Exam Priorities for 2021: What You Need to Know,” Commercial Litigation Update Blog, March 2021
- “FINRA Issues 2021 Report on Examination and Risk Monitoring Program,” Commercial Litigation Update Blog, February 2021
- “Leadership Q&A with William O. Stein: An Account of a Jury Trial During COVID-19,” Commercial Litigation Update Blog, December 2020
- “Missouri Court Denies Business Interruption Claim and Questions Prior Decisions,” Commercial Litigation Update Blog, December 2020
- “Missouri Court Rules in Favor of Business Owners in COVID-19 Coverage Lawsuit,” Workforce Bulletin Blog, September 2020
- “D.C. Judge Rules COVID-19 Closure Orders Do Not Constitute



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- “Direct Physical Loss,” Workforce Bulletin Blog, August 2020
- “SEC and FINRA Provide Guidance on Regulation Best Interest,” Workforce Bulletin Blog, April 2020
- “Federal Court’s Approval of Settlement in Litigation Over Expenses Charged to Brokers Offers Guidance on Settlement of Parallel Class Actions,” Financial Services Employment Law Blog, October 2019

## **Professional Associations**

- New York City Bar Association

## **Pro Bono Activities**

- President of the Board of Education for the Irvington (NY) Union Free School District