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Sabrina Charles-Pierre,
Editor

ROCKLAND COUNTY BAR ASSOCIATION

NEWSBRIEF

www.rocklandbar.org

December 2017

President's Post

To the members of the RCBA;

I trust that this message finds you having enjoyed a wonderful Thanksgiving Holiday and getting in the spirit for the holidays yet to come. Since our last *NewsBrief* we all had the opportunity to celebrate the achievements of our members at our Annual Dinner at Patriot Hills. I was happy to see you all and visit with old and new members alike. What a successful event we had...I am already looking forward to next year!! Shortly thereafter we recognized two distinguished members of the bench, Justices Victor "Vic" Alfieri and William Kelly, at their portrait presentations. The events, which were held at the Courthouse, were fitting celebrations of their full careers on the Bench here in Rockland. Families, Friends, Colleagues and Staff attended to recognize and honor our Judges. Artist Joyce Zeller's talents are extraordinary as both portraits seemed to come alive upon presentation. Both events were truly special. Our committees are hard at work and I welcome you to join one of the many we offer. From ByLaws to Zoning Laws, there is something for everyone! Please visit our website for a list of committees and join! It is a perfect way to involve yourself with the Association while meeting and working with your fellow members. Please reach out to me or the Bar Association if you are interested! I look forward to seeing you all at our Holiday Party at Bella Gianna's on December 14th. Let us celebrate the season and join in camaraderie together.

Until Then, My Best;
Andrea F. Composto, Esq.

CLE TIME

ELECTRONICALLY STORED INFORMATION IN NON-COMMERCIAL LITIGATION



December 4, 2017

6:00pm - 9:00pm

NEW LOCATION

BANCHETTO FEAST

75 WEST RT. 59 & S. MIDDLETOWN RD.

NANUET, NY 10954

CLE TIME

MEDICINE IN THE COURTROOM



January 11, 2018

6:00pm - 9:00pm

NEW LOCATION

BANCHETTO FEAST

75 WEST RT. 59 & S. MIDDLETOWN RD.

NANUET, NY 10954

It's A Wonderful Time of Year

The Rockland County Bar Association

INVITES YOU TO

Celebrate the Season!

HOLIDAY PARTY

Thursday, December 14, 2017

6:00pm - 9:00pm

Bella Gianna's

77 NY-303, Congers, New York 10920

Cost: \$60/PP

RSVP via check or online by

December 7, 2017

MAKE ALL CHECKS PAYABLE TO:
ROCKLAND COUNTY BAR ASSOCIATION
337 NORTH MAIN STREET, SUITE 1
NEW CITY, NEW YORK 10956

COMMERCIAL LITIGATION ISSUES OF INTEREST

December 2017

Submitted by Paul Savad, Esq.**Chair, Commercial and Corporate Law Committee,****Joseph Churgin, Esq., and Susan Cooper, Esq., of****SAVAD CHURGIN, LLP, Attorneys at Law**

One of your client's solely-owned corporations recently purchased real property that was developed decades ago by the prior owner under regulatory agreements with the City to rehabilitate the property as affordable housing that would eventually be conveyed to the tenants' association. Another of your client's solely-owned corporations obtained an assignment of the mortgage that was being foreclosed on the property, and was then substituted as the plaintiff in the foreclosure action. The tenants' association now sues your client and both corporations claiming that your client is the chief executive officer and sole shareholder of both corporations, which are the alter egos of your client, who has abused the corporate form as holder of the mortgage and deed in a scheme to circumvent the City's regulatory agreements intended to benefit the tenants. The tenants' association asks that the property be conveyed either to the tenants' association or to the individual tenants residing there. You move to dismiss the claims against your client individually, arguing that he participated in the transactions complained of solely in his capacity as corporate officer, not as an individual. You also move to dismiss the claims against the corporation that holds the mortgage, arguing that the complaint fails to state a claim against the mortgage holder. Will you succeed in your motions to dismiss?

The answer is no.

In *363 Grand Ave. Tenants Assoc. v. Ali*, 9121/2015, NYLJ 1202769249826, at *1 (Sup. Ct. Kings Co. October 6, 2016), the property's tenants' association and individual tenants sued for conveyance to them of 363 Grand Avenue in Brooklyn, where they reside, and for a declaration of their rights under rent control. The defendants include the current owner (Miraculous Solutions, Inc.), the current mortgage holder by assignment (Farrell Realty Corp.), and Azad Ali (the sole shareholder and manager of Miraculous and Farrell). The complaint alleges that Ali is the alter ego of Miraculous and Farrell.

In the early 1980's, the City took title to the property in order to preserve the 1887 building as affordable housing after a fire. In 1989, the City transferred title to NYC Partnership HDFC under agreements for the Partnership to work with private builders to rehabilitate the property and market the apartments as condominiums to bona fide purchasers. The agreements provided that the property would be conveyed to the tenants association, to be maintained as a cooperative or regulated-rental housing or sold to individual tenants pursuant to a condominium plan. The deed could not be transferred without the permission of the NY City Department of Housing Preservation and Development.

In 1991, the Partnership's interest in the property was assigned to 363 Grand Vendome, L.P. In 2008, a mortgage foreclosure action was commenced by the successor to Dime Savings Bank, which had loaned the Partnership \$1.7 million to purchase the property from the City in 1989. In 2011, the property was deeded to Miraculous. In 2012, Farrell, as assignee of the mortgage, was substituted as plaintiff in the mortgage foreclosure action.

Ali moved to dismiss the action against him individually, pursuant to CPLR 3211(a)(1), offering the deed to Miraculous as documentary evidence that he did not own the property. The Court noted that documentary evidence supports a motion to dismiss under 3211(a)(1) only if it "utterly refutes" the plaintiff's factual allegations, and conclusively establishes a defense as a matter of law, citing *Sabre Real Estate Group, LLC v. Ghazvini*, 140 A.D.3d 724 (2d Dep't 2016). The Court ruled that while the deed conclusively shows who holds title to the property, it does not refute the plaintiffs' alter ego claim to pierce the corporate veil, based on Ali, as executive officer and sole shareholder of both corporations exercising dominion and control over them, and using that control to commit fraud or wrong injuring the plaintiffs, citing *Peery v. United Capital Corp.*, 84 A.D.3d 1201, 1202 (2d Dep't 2011).

The Court also denied the motion to dismiss the claims against Farrell for failure to state a claim, pursuant to CPLR 3211(a)(7). The Court noted that it is required to give the complaint a liberal construction in determining whether the claim fits any cognizable legal theory, citing *Sinagra v. City of New York*, 127 A.D.3d 729, 730 (2d Dep't 2015). The Court ruled that the complaint pleads a viable claim against Farrell as Ali's alter ego, and that Farrell is, in any case, a necessary party whose mortgage lien might be affected by the action.

Savad | Churgin

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**We are looking for
Spanish-speaking attorneys for
Assigned Counsel panels.**



News from the Executive Director

RCBA STAFF UPDATE

*Below please find a break-down of major areas of responsibility for the
RCBA Staff:*

ASSIGNED COUNSEL COORDINATOR – MANUELA GOMEZ

LAWYER REFERRAL SERVICE COORDINATOR – MANUELA GOMEZ

CLE COORDINATOR – SABRINA CHARLES – PIERRE

ADVERTISING/NEWSLETTER – SABRINA CHARLES – PIERRE

EXECUTIVE DIRECTOR – NANCY LOW – HOGAN, Ph.D.

Upcoming

EVENTS



December 14, 2017
Bella Gianna's
6:00pm

'tis the season for a

HOLIDAY PARTY

A GOOD LAWYER KNOWS THE LAW.

**A GOOD BANKER
KNOWS THE BUSINESS
SIDE OF LAW.**

We're reasonably sure you'd rather focus your attention on your clients, not administrative work. That's why we've designed Esquire Banking. It's an attorney-specific total banking and financial services package that saves you time and money featuring:

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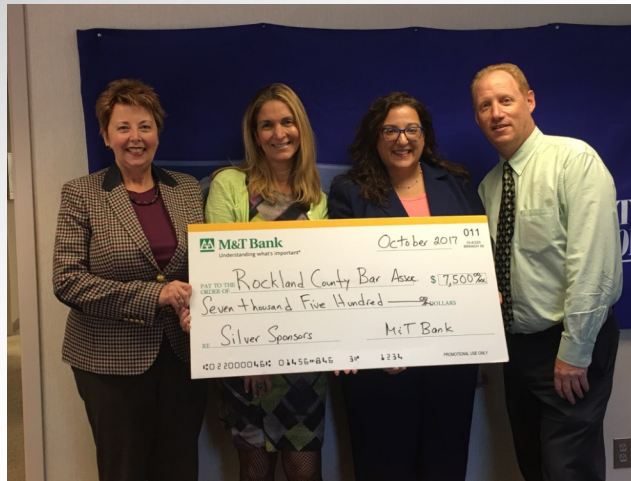
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RCBA RECEIVES SILVER SPONSORSHIP CHECK FROM OUR 2017-18 SILVER SPONSOR M&T BANK



Pictured above from left to right: Nancy Low-Hogan, Ph.D., RCBA Executive Director; Arlene R. Rodgers, Relationship Manager, M&T Bank; Andrea F. Composto, Esq., RCBA President; Ira S. Schoeps, Esq., RCBA Treasurer.

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Arlene R. Rodgers
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HAPPY HOLIDAYS

FROM THE OFFICERS, DIRECTORS AND
STAFF OF THE BAR ASSOCIATION



MEMO

TO ALL RCBA COMMITTEE CHAIRS & VICE- CHAIRS

The Association is seeking articles from your committee for publication in the Bar's monthly Newsletter. The membership would greatly benefit from your input and would appreciate it. The article does not have to be complicated or long - a succinct piece of general interest and importance would be best.

If you are able to submit an article for the Newsletter it should be sent via email to sabrina@rocklandbar.org by the 15th of the month so that the Executive Board may review it.

Thank you!



Monthly
Newsletter

Michael E. Zall

Intellectual Property Law
Patents, Trademarks &
Copyrights
Zall-Law.com

Two Yorkshire Drive
Suffern, NY 10901
Tel# (845) 357-6800
Fax# (845) 357-4616

Michael E. Zall
Attorney At Law
Mike@Zall-Law.com

COMMITTEE CORNER

S TAY TUNED...

**SEE YOU
NEXT YEAR!**



READ A GOOD BOOK?

If anyone has read a book that they would like to recommend, please write a short review for publication in our Newsletter.



Need a Place to Meet in New City?

RCBA Conference Rooms
available for rent.

MEMBER PRICES:

1st two hours FREE, then \$25/hour
Full Day (8 hours) = \$140.00

NON-MEMBER PRICES:

\$50/hour
Half Day (4 hours) = \$150.00
Full Day (8 hours) = \$300.00

ALL ADVERTISEMENTS
AND ARTICLES MUST BE
REVIEWED BY THE
EXECUTIVE COMMITTEE
FOR CONTENT.

CLE CORNER

December 4, 2017

Electronically Stored Information in Non - Commercial Litigation

6:00pm - 9:00pm

January 11, 2018

Medicine in the Courtroom

6:00pm - 9:00pm

March 9, 2018

Criminal Practice: Everything You Need to Know About DWI

12:00pm - 3:00pm

CLE REQUIREMENTS

Newly admitted attorneys must complete 32 credit hours of accredited “transitional” education within the first two years of admission to the Bar. Sixteen (16) credit hours must be completed in each of the first two years of admission to the Bar as follows: 3 hours of Ethics and Professionalism; 6 hours of Skills; 7 hours of Practice Management and/or areas of Professional Practice. Experienced Attorneys must complete 24 credit hours of CLE during each biennial reporting cycle: 4 credit hours must be in Ethics and Professionalism. The other credit hours may be a combination of the following categories: Ethics and Professionalism, Skills, Practice Management or Professional Practice.

NEWSBRIEF ADVERTISING RATES

FULL PAGE (7.5x10.25)	\$400.00
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1/8 PAGE (3.75x2.5):	\$125.00
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Announcing New Discounts:

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CALL SABRINA @ 845-634-2149

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Advertising & articles appearing in the RCBA Newsletter does not presume endorsement of products, services & views of the Rockland County Bar Association.

2017-18 SPONSORSHIPS

Our 2017-18 Sponsorship Year begins July 1, 2017.

There are several types of Sponsorships still available.

See complete details on our website under “About.”

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Office in New City available to use on your letterhead, accept packages, meet with clients, hold conferences, send faxes, accept mail, meetings at day or night, receptionist, waiting area for clients, very ample free parking, private bathroom. Perfect for practitioner with home office who needs a public presence. Low monthly fee. Call Bill at 845-300-9168.

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North Main Street, New City 11' x 13' with closet. Access to waiting room, bathroom and kitchenette. Bright and clean, freshly painted. Please call Carol at 914-557-5750.

OFFICE SPACE

New City- 4 adjoining office suites, approx. 1800 sq. ft. total, can combine/ divide to suit individual user(s) needs -South Main Street, walk to courthouse, restaurants, gov't buildings, ample parking. Call Arthur 845-359-3560

OFFICE SPACE

Office Space available in New City. Attorney or Accountant preferred. Please call us for details. DaSilva & Hilowitz LLP (845) 638-1550

STORAGE SPACE - ORANGEBURG

Storage space for legal files available. 180 square foot storage space. 24/7 access. Currently used by local lawyers for storage. Premises are located in Route 303 in Orangeburg and are sprinklered. \$225.00/month, no lease required. Contact Bruce : 845-359-5400

OFFICE FURNITURE FOR SALE

Priced to sell. Vertical and lateral file cabinets, storage units, desks, chairs, conference table, book cases, credenza, tables, dividers, bulletin boards, white board. Please call Madelon at 914-527-2400 for information. Items are located in New City.

ATTORNEY WANTED

New City, Rockland Law Office seeks attorney with experience in Personal Injury, Workers' Compensation, Dental/Medical Malpractice, Nursing Home Neglect. Prefer minimum of 5 to 10 years plus experience in some or all of these areas. Deposition and Trial experience a plus. Salary and Benefits to be discussed. Call 845.598.8253. Email: vcrownlaw@aol.

NEWLY ADMITTED ATTORNEY

Rockland County PI firm looking for newly admitted attorney (or awaiting admission) -- we are willing to train the right candidate in all phases of personal injury litigation...submit resume to Lawyers@pilaw.com.

WORKERS' COMP. ATTORNEY WANTED

Perez & Morris LLC, a national client based law firm, seeks an experienced workers compensation attorney (at least one year) to handle NY workers compensation cases out of our Rockland County, NY office. We offer a competitive salary and benefit package. Email your resume to mdonohue@perez-morris.com.

ATTORNEY WANTED

New City, Rockland County, NY Law Office seeks attorney with some experience to handle all aspects of our Workers' Compensation cases in a busy and friendly small personal injury/malpractice law firm. Salary and Benefits to be discussed. Call 845-598-8253. E-mail: vcrownlaw@aol.

IMMIGRATION ATTORNEY WANTED

Immigration Attorney Wanted: New City Law Office seeking an attorney with immigration experience, full time, trial experience a plus, Spanish speaking a plus, admitted to Southern District of NY a plus. Also willing to assist with family law/bankruptcy/collections and loan modifications a plus. Call 845.639.4600 or fax 845.639.4610 or E-mail: michael@demoyalaw.com

LEGAL ASSISTANT WANTED

Entry level position available for part-time bilingual assistant. Located in New City, NY. Please call 845 709-6800

MATRIMONIAL ATTORNEY WANTED

Attorney Wanted: New City Law Office seeking an attorney with matrimonial and family law experience, full time, trial experience a plus, Spanish speaking a plus, admitted to Southern District of NY a plus. Call 845.639.4600 or fax 845.639.4610 or E-mail: michael@demoyalaw.com

ASSOCIATE ATTORNEY NEEDED

3-5 years litigation experience for busy Rockland County firm. Please forward resume to phabas@barpc.com or fax to 845-359-5577

TO MY FAMILY COURT AND MATRIMONIAL COLLEAGUES

I am closing my New City office Effective August 31, 2017. I am "semi-retiring." I am writing to advise my colleagues that I will be available for per diem work. My telephone number is 845-641-8100. My email address is CBilottaEsq@aol.com. Thank you for considering me. Cassandra Bilotta

RECEPTIONIST/CALENDAR CLERK WANTED

For busy personal injury practice in Rockland County; typing and computer skills necessary; Spanish speaking a plus. Submit resume to Lawyers@pilaw.com

SPANISH INTERPRETER

I'm interested in offering my services as a Spanish interpreter to the attorneys of the Rockland Bar Association. I have interpreted in Kings County Criminal Court and I am presently interpreting in Haverstraw Justice Court. I can interpret to help prepare for hearings and trials. I am willing to accompany attorneys to interpret in prisons or jails. I am available to meet interpretation needs professionally an affordably. I can be reached at (845) 743-1151 or joanneconde7@gmail.com

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