



# Joshua Kopelowitz

Partner

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Leveraging over two decades of industry experience, Joshua helps clients solve their most challenging real estate problems.

One of the leaders of the firm's Real Estate Litigation team, he represents owners, developers, landlords, lenders and commercial tenants in complex disputes over leasing issues, operation and use of real estate, contract and joint venture/partnership disputes, building and property access, construction and other matters of contention.

Focused on real estate litigation, Joshua has the in-depth knowledge required to evaluate disputes and chart the smartest path to a favorable resolution — whether through direct bargaining, arbitration, mediation or in court if necessary. A staunch trial advocate and skilled negotiator, he provides efficient solutions that protect clients' financial interests.

More than an attorney, Joshua is a strategic partner, immersed in the real estate sector and invested in ensuring clients' commercial success. He monitors the market and emerging trends in the industry to provide advice and counsel that helps them stay ahead of the curve, and the competition.

Joshua has represented a broad range of major real estate and commercial clients at all levels of the judiciary, including state and federal trial and appellate courts in New York and nationally. He also has experience with complex residential leasing disputes, cooperative-condominium disputes, brokerage claims and contracts and a variety of commercial litigation.

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## Select Matters

- Secured \$4.8 million judgment, plus award of legal fees, on behalf of a commercial real estate investment trust in a dispute with the U.S. subsidiary of a global real estate development, investment and management holding company over nonpayment of rent for prime office space in New York City.
- Secured significant award of rent arrears and interest, plus legal fees and judgment of possession for national high-end fashion retailer in a proceeding against commercial subtenant of a property in Times Square, New York. *Kate Spade & Company, LLC v G-CNY Group LLC*, 63 Misc3d 1205(A) (Civ Ct NY Co 2019)
- Prevailed on behalf of a commercial landlord in New York Supreme Court in a dispute over a tenant's failure to secure insurance coverage while renovating the property, terminating the lease and winning possession of the premises. The court's precedential ruling combined existing law that leases require notice allowing tenants to cure violations and that insurance deficiencies cannot be retroactively cured, allowing client to proceed straight to notice of lease termination. *159 West 23rd LLC v Spa Ciel De NY Corp.*, 2020 NY Slip Op 20027 (App Term 1st Dept 2020)

- Successfully voided an illegal 40 year rent-stabilized residential lease entered into by prior owner before sale of residential building to developer. The voiding of the illegal lease and judgment of possession provided developer with possession of the subject apartment to develop along with the rest of the newly purchased building. *River Tower Owner, LLC v 140 West 57th Street Corp.*, 172, AD3d 537 (1st Dept 2019)

## Services

- Litigation
- Real Estate
- Real Estate Litigation
- Appellate Practice
- Retail Industry

## Before Fox Rothschild

Prior to joining Fox Rothschild, Joshua was a partner at a large real estate law firm in New York City.

## Beyond Fox Rothschild

Joshua serves as Deputy Mayor and Trustee of the Incorporated Village of Roslyn Harbor, NY.

## Bar Admissions

- New York

## Court Admissions

- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

## Education

- Brooklyn Law School (J.D.)
- Indiana University (B.S.)

## Memberships

- New York County Lawyers Association
- New York State Bar Association
- New York City Bar Association

## Honors & Awards

- Selected to the list of "Super Lawyers" for Real Estate in New York (2019-2023)\*
- Martindale Hubbell AV Preeminent Rating\*

[\\*Awards Methodology](#)

## News

January 18, 2024

**Condo Can Evict Atty After Spat With Neighbor Justin Theroux**

January 5, 2024

**Justin Theroux's Problem Neighbor is Selling His Apartment**

January 1, 2024

#### **Residential Real Estate Cases to Watch in 2024**

November 16, 2023

#### **Justin Theroux Turns Up in NYC Court in Bid to Evict 'Nuisance' Neighbor**

March 23, 2023

#### **Fox Rothschild's Win for NY Commercial Landlord Narrows Use of Guaranty Law During COVID**

September 28, 2022

#### **How Landlords Can Legally Raise Rent**

October 7, 2020

#### **Real Estate Lawyers On The Move**

October 2, 2020

#### **Fox Rothschild Welcomes Real Estate Litigator Joshua Kopelowitz in New York**

## **Representative Cases**

- 373-381 PAS Associates, LLC v Ideko Productions, LLC, et. al., 2023 N.Y. Slip Op. 01132 (1st Dept. 2023)
- 159 West 23rd LLC v Spa Ciel De NY Corp., 66 Misc3d 139(A) (App Term 1st Dept 2020)
- 159 West 23rd LLC v Spa Ciel De NY Corp., 2020 NY Slip Op 20027 (App Term 1st Dept 2020)
- River Tower Owner, LLC v 140 West 57th Street Corp., 172, AD3d 537 (1st Dept 2019)
- Michael Lutin v SAP V/A Atlas 845 WEA Associates NF, LLC, et. al., 66 NYS3d 349 (1st Dept 2018)
- Rui Qin Chen Juan, et. al. v 213 West 28 LLC, 2017 WL 1378434 (1st Dept 2017)
- Noah Trading Co., Inc. v Robert Bell, 2017 WL 2226358 (Sup Ct NY Co 2017)
- Noah Trading Co. Inc. v. Bell, 54 Misc3d 134(A) (App Term 1st Dept 2017)
- Queens Canaan Church v. Fellowship Deaconry Inc., 2015 WL 5164648 (Sup Ct Queens Co 2015)
- Brookford, LLC v. Penraat, 2014 WL 7201736 (2014), 2014 N.Y. Slip Op. 24399 (N.Y. Sup. Ct. 2014)
- Flushing Expo, Inc. v. New World Mall, LLC, 116 A.D.3d 826, 985 N.Y.S.2d 247 (2d Dep't 2014)
- 679 Realty, LLC v. Smith-Bernet, Inc., 2011 WL 1480905 (2011), 2011 N.Y. Slip op. 30943(U) (N.Y. Sup. Ct. 2011)

## **Events**

December 1, 2019

#### **Legislative Outlook: Rent Regs & Climate Mobilization Act**

March 8, 2019

#### **The Residential Review: A Rental and Condo Market Report**

## **Publications**

April 4, 2024

#### **The Guaranty Law Continues to Divide Opinion**

*New York Real Estate Law Reporter*

June 29, 2023

#### **A Clearer Path to Speedy Guaranty Litigation in NY Courts**

*Law360*

April 25, 2023

**Court Adopts Narrow Interpretation of Familial Exception to Summary Proceedings**

*New York Law Journal*

October 2022

**The Guaranty Law Only Guarantees a Broken Contract**

*New York Real Estate Law Reporter*

March 9, 2021

**A Viable Eviction Option For NYC Commercial Landlords**

*Law360*

2019

**Show You the Money... How Will Depend on Your Note or Guaranty**

*New York Law Journal*

November 8, 2019

**Let Freedom (of Contract) Ring: Yellowstone Waivers Are Enforceable**

*New York Real Estate Law Reporter*

November 5, 2018

**As It Turns Out, Yellowstone Waivers Are Enforceable**

*New York Real Estate Law Reporter*

September 1, 2016

**Common Law Right to Use Self-Help to Evict a Commercial Licensee**

*New York Law Journal*

April 16, 2014

**Are Yellowstone Waivers Enforceable?**

*New York Law Journal*

February 9, 2012

**Who Is Responsible For Eradicating Bedbugs?**

*New York Law Journal*