



NEW YORK GARDEN CITY

CHRISTOPHER T. MCGRATH

Trial Attorney Christopher T. McGrath Wins \$131 Million Dollar Verdict on Behalf of Sinclair Haberman and Belair Building, LLC, and Settles with the City of Long Beach for \$75 Million With Expanded Real Estate Rights for Haberman plus, following a jury verdict, settles a Civil Malicious Prosecution action for 23 Million Dollars in a companion action against Xander Corp and its board of directors.

Three decades of litigation concluded on August 16, 2022, with the above settlement approved by the Long Beach City Council between the City of Long Beach and Belair Building, LLC. Belair Building, LLC is owned by Sinclair Haberman. McGrath is a senior partner in the firm of Sullivan Papain Block McGrath Coffinas & Cannavo and was lead trial counsel in the above matters. Also appearing for Belair Building, LLC were Steven Schlessinger and James Pelzer of Jaspan Schlessinger and Lee Wiederkehr of Delbello, Donnellan, Weingarten, Wise & Wiederkehr.



In 1985, Haberman received a variance to construct four, ten-story residential buildings. Haberman commenced work on the first, Sea Pointe Towers - a 126 co-op unit ultimately transferred to Xander Corp. After the completion of the first building, the City of Long Beach refused to process building permits for the remaining three buildings, changed the zoning, and revoked the variance. After having brought suit, Haberman ultimately compromised, agreeing to reduce the size of the fourth building, and add a second level of parking near the fourth building - an agreement with the City of Long Beach embodied by a Court Order.

In 2003, Belair received a piling permit to begin construction on the second building. Xander Corp., the owners of the completed first building, petitioned the City to revoke the building permit. Later in 2003, Haberman’s permit was revoked by the City of Long Beach again, despite the City’s Corporation Counsel and Zoning Board’s written agreement with Haberman and Belair. Xander then filed suit, claiming that Xander now owned the neighboring property by Adverse Possession.

The claim was baseless, and the court ruled as such. A lawsuit was brought claiming that Xander and various board members brought a false claim of ownership, without any truth to the allegations. This civil malicious prosecution case, tried by McGrath, resulted in the jury finding malice against the corporation and its board members. The case was settled for \$23 million on the eve of the damage trial. This is believed to be the largest civil malicious prosecution award in New York State.

The three decades of litigation reached its peak in 2021, when Nassau County Supreme Court Justice Jack Libert, following a full damages trial filled with the top experts in the field, determined that the City of Long Beach must compensate Belair Building, LLC, and its owner Sinclair Haberman \$131,292,368. The judgment is historic and the largest of its kind.

In August of 2022, Belair and the City of Long Beach reached a hybrid settlement of \$75 million in cash, plus expanded real estate rights, for Haberman to construct, amongst other things, two, 13.5-story buildings on beachfront property in Long Beach.

After thirty years of government malpractice and reckless disregard for the interest of the taxpayers, Sinclair Haberman can now move forward on his proposed residential towers.

McGrath when interviewed said “it was truly a privilege to work with a team of gifted lawyers to provide this client with the justice he deserved”. He further said “I want to thank the current members of the Long Beach City Council for resolving this matter”.

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RUTH JIN

Ruth Jin is an exceptional corporate and securities law attorney with in-depth knowledge of laws and regulations and tremendous experience in negotiating and crafting legal mechanisms that solve clients’ challenging issues. Ms. Jin’s clients range from entrepreneurs to Fortune 500 companies, and she is known for her thorough, tough and result-driven approach to her clients’ legal issues. She regularly advises businesses through all stages of growth from start-up/capital financing to IPO. She has extensive experience in fund formation, mergers and acquisitions, joint ventures and alternative public offerings, and is very familiar with legal issues related to cross-border transactions. Prior to joining Moses & Singer LLP, she was an attorney at Jin & Koppell and Orrick Herrington & Sutcliffe LLP. She has her law degrees from Georgetown University, University of Tokyo and Peking University. She is fluent in Chinese, Korean and Japanese.



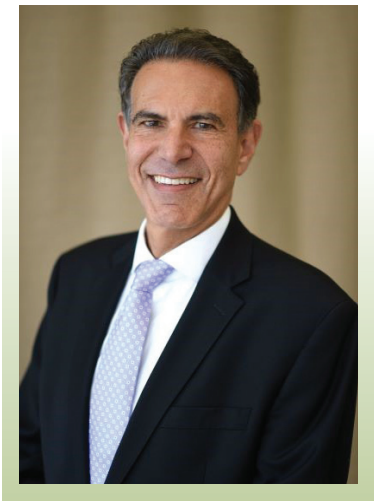
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RONALD FATOULLAH

Attorney Fatoullah and his firm of dedicated attorneys and professionals are renowned for their cutting-edge expertise in elder law, estate planning and special needs. The firm adheres to the highest of professional and ethical standards and handles cases involving estate planning, Medicaid eligibility & applications, living trusts, wills, special needs planning, probate, guardianships, and probate & guardianship litigation.



Mr. Fatoullah’s distinguished reputation is based on his contributions to the senior citizen community and his 15-year inclusion as one of the New York Metro Area’s “Best Lawyers” and as a “Super Lawyer”.

Mr. Fatoullah’s firm is committed to delivering the ultimate client experience by staying true to his values of integrity, honesty, and excellence. Mr. Fatoullah was a recent guest on The Today Show with Maria Shriver, and he is also a frequent speaker on estate planning and elder law and has been quoted in the New York Times, Newsday, The Wall Street Journal, AM New York, Kiplinger’s and the Queens Courier.

The attorneys at the firm are fierce and effective advocates for their clients.

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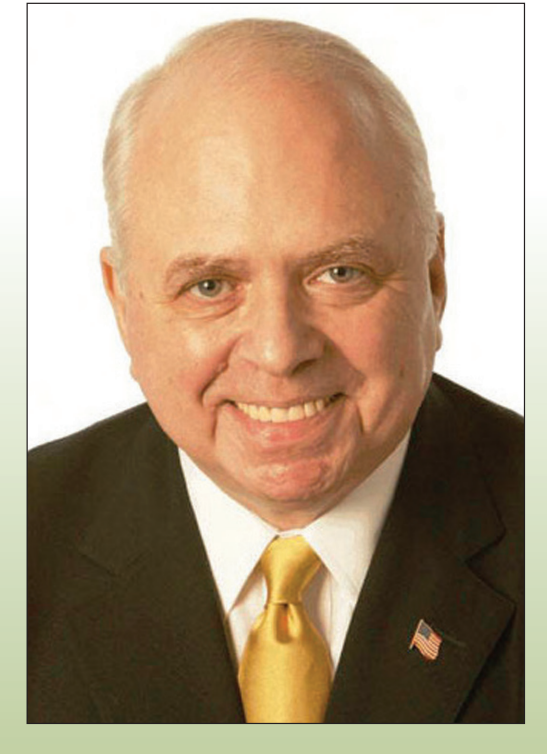
Carl Bornstein is an accomplished lawyer in New York City who has tried significant cases to verdict and has conducted complex civil and criminal investigations throughout his career as a federal and state prosecutor, as an inspector general, and as a private practitioner. For over a decade he has been recognized by the New York Law Journal as a Top Lawyer. He is also listed in Marquis’ Who’s Who in America and holds Martindale- Hubbell’s preeminent peer rating (AV) for excellence in legal ability and ethical standards. He consults as a legal analyst for journalists from television, radio, national and regional newspapers.

Mr. Bornstein has defended clients in numerous criminal jury trials to verdict, in civil and white collar criminal litigation in federal and state courts and in sensitive internal business investigations. Among other matters, he has been trial counsel for clients in trademark and copyright infringement cases, in an 11-week trial defense of a lawyer accused of criminal tax fraud involving \$1 billion in financial futures, and for physicians and lawyers in professional disciplinary matters.

In his practice he also has been a member/counsel to integrity monitoring teams formed to assess the compliance of organizations with court orders or agreements that the subjects had with federal prosecutors or government agencies. Notably, he became a co-founder and the chief operating officer of a five-partner joint venture that was appointed the integrity monitor for the \$3.8 billion construction of 1 World Trade Center, a project of national significance where the primary objective was to detect and deter any criminal activity directed against it and then assist with investigations if such activity was identified.

He was a Special Attorney in the U.S. Attorneys’ Offices for the Southern and Eastern Districts of New York and an Assistant District Attorney in both Bronx County and Queens County. He prosecuted major organized crime and public corruption cases and won convictions of ranked organized crime members including a soldier, a capo and a family boss in three separate trials. He then served as the Executive Special Assistant Attorney General in the Special Prosecutor’s Office for Corruption in the N.Y.C. Criminal Justice System.

He has taught in three professional contexts: trial advocacy to lawyers as an instructor for the National Institute of Trial Advocacy, Northeast Region; investigative techniques to MPA students as an adjunct assistant professor at John Jay College, CUNY and to inspectors general in a certification course at John Jay conducted by the Association of Inspectors General for its members.



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STEVEN R. SCHLESINGER

For over 75 years, Jaspan Schlesinger Narendran LLP has been one of the New York metropolitan area’s leading full-service law firms, providing exceptional legal services in the areas of commercial litigation, banking and financial services, education law, municipal law, matrimonial and family law, real estate, land use and zoning, tax certiorari and condemnation, and estates & trusts.

Steven R. Schlesinger is the Co-Managing Partner of Jaspan Schlesinger Narendran LLP and heads the firm’s Litigation Practice Group and Appellate Practice Group. He concentrates his practice on complex commercial litigation, commercial and real estate matters, bankruptcy and New York State election law.

For more than forty years, Mr. Schlesinger has acted as counsel to many of New York’s largest residential and commercial real estate developers and corporate entities, and has achieved significant victories on behalf of clients in both federal and state court. He has served as lead counsel in many federal and state trials, and in numerous appeals before the Appellate Divisions of the New York State Supreme Court and the New York State Court of Appeals. He is admitted to practice in New York, the federal district courts for the Southern and Eastern Districts, the United States Court of Appeals for the Second Circuit and the United States Supreme Court.

Mr. Schlesinger is a principal author of Commercial Litigation in New York State Courts (4th Edition) and a contributing author of Goldfeder on Modern Election Law (3rd Edition). He has represented many elected officials in litigation pertaining to their public office and has acted as counsel on numerous political campaigns.



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