

STEVEN KIRKPATRICK
Romer Debbas LLP
275 Madison Avenue
New York, New York 10016
skirkpatrick@romerdebbas.com
(212) 246-4500

AREAS OF EXPERTISE

- Commercial litigation
- Real estate litigation
- Building operations
- Bankruptcy
- Single room occupancy hotel (SRO) issues
- Governmental agency compliance and violations
- Certificates of no harassment and Pilot Program issues
- Safety and security issues
- Lease enforcement
- Workouts and restructuring
- Construction and mechanic's lien litigation
- Rent regulation
- Brokerage commission disputes
- Land use and easements
- ADA and Human Rights Law complaints
- Municipal tax and abatement issues

LEGAL EXPERIENCE

Romer Debbas LLP, New York, New York

Partner, March 2019 to Present

Represent financial institutions, real estate firms, property management companies, national tenants and hotels in litigation and other aspects of their ownership, occupancy, operation and use of commercial and residential real estate.

- Successfully represented building owners in obtaining certificates of non-harassment for their SRO properties and in resolving related Department of Buildings matters.
- Advised building owners on substantial rehabilitation and "first rent" strategies, including obtaining prior opinion determinations from DHCR.
- Successfully represented owners in obtaining vacant possession of commercial spaces and residential units at development sites.
- Successfully represented property owners and commercial tenants in ADA and Human Rights Law litigations and administrative proceedings.
- Advise owners on compliance with source of income rules under the New York City Human Rights Law.
- Successfully represented owners and tenants in commercial and residential lease disputes.
- Represented owners and commercial tenants in commercial and high-end residential lease transactions.
- Represent building purchasers in rent regulatory due diligence matters.

Belkin Burden Wenig & Goldman, LLP, New York, New York

Partner, January 2010 to March 2019

Represented real estate firms, property management companies, commercial tenants and hotels in litigation and other aspects of their ownership, occupancy, operation and use of commercial and residential real estate.

Significant representations included:

- Successfully represented owners in obtaining vacant possession of development sites.
- Represented national real estate companies and other landlords in developing successful code compliance, lease enforcement and rent collection strategies.
- Successfully represented property owners and commercial tenants in responding to handicap access complaints.
- Obtained declaration that a co-tenancy requirement was not met, enabling retailer to terminate a multi-million dollar lease obligation.
- Represented national fashion company in multi-million-dollar lease and sublease transactions.
- Successfully represented building owner in defeating federal employment lawsuit.
- Represented national real estate company in performing New York City tax abatement (421-a) audits.
- Represented national retailer in developing a successful code compliance strategy for its New York retail stores.
- Successfully represented banks in numerous foreclosure actions.
- Successfully represented note purchaser in challenging New York City fines and liens.

Greenberg Traurig, LLP, New York, New York

Of Counsel, January 2006 to January 2010; *Associate*, May 2001 to December 2005

Represented financial institutions, real estate firms, property management companies, national tenants and hotels in litigation and other aspects of their ownership, occupancy, operation and use of commercial real estate. Responsible for all phases of litigation including drafting pleadings, motions, discovery, hearings, trials and appeals. Significant representations included:

- Defeated \$450 million class action based upon complex tax abatement and rent regulatory claims at the trial level.
- Obtained vacant possession of numerous buildings and development sites, including the CBGB space.
- Defeated class actions seeking to prevent use of an electronic security system in a major housing complex.
- Represented owner in regulatory and litigation matters relating to largest property sale in world history.
- Successfully prosecuted architectural malpractice action for the defective design of 21 building lobbies.
- Resolved discrimination complaints with governmental agencies and prevented the filing of formal complaints.
- Assisted NGO in obtaining approvals and licenses to solicit contributions in New York and Connecticut and operate a school and orphanage in Haiti.

Belkin Burden Wenig & Goldman, LLP, New York, New York

Associate, January 1998 to May 2001

Represented building owners in litigation and administrative agency matters. Successful representations included:

- Recovered over one million dollars in fair market use and occupancy and legal fees for shopping center owner.
- Recovered commercial space by ejectment action where lease lacked a conditional limitation provision.
- Represented property owners in obtaining vacant possession of development sites.
- Obtained possession of numerous residential units based upon non-primary residence and non-monetary defaults.

Fischbein Badillo Wagner Harding, New York, New York

Associate, May 1997 to December 1997

Represented tenants and building owners in litigation and administrative agency matters.

New York City Law Department, Office of the Corporation Counsel, New York, New York

Assistant Corporation Counsel, June 1994 to May 1997; *Law Clerk*, March 1993 to February 1994

Real Estate/General Litigation and Environmental Law Divisions

Handled all phases of real estate, employment, civil rights, environmental, construction and municipal contract litigation in state and federal court. Successful representations included:

- Obtained summary judgment and dismissal after trial in employment and civil rights cases.
- Defeated tenant's city-wide challenge of the Mitchell-Lama surcharge system.
- Defeated challenges of bidding procedures for New York City contracts.

BUSINESS EXPERIENCE

William Gottlieb Real Estate, New York, New York

Asset Manager, February 1989 to March 1993

Kingsbury Properties, New York, New York

Portfolio Manager, May 1986 to February 1989

EDUCATION

New York University School of Law, New York, New York, LL.M. in Taxation, May 1998

New York Law School, New York, New York, J.D., *cum laude*, February 1994

Articles Editor, New York Law School Journal of International and Comparative Law

Pace University, New York, New York, B.B.A., Accounting, May 1985

REPORTED CASES

- *Lai v. Muamba*, 2021 NY Slip Op 32112, Sup. Ct., N.Y. Co. (October 28, 2021).
- *Waverly Stores Assoc. v. Waverly Mews Corp.*, 195 A.D.3d 482 (1st Dep't 2021).
- *Araujo v. Cundel Realty Co., Inc.*, 70 Misc.3d 950 (Civ. Ct. N.Y. Co. 2020).
- *Kosovsky v. Kosovsky*, 187 A.D.3d 504 (1st Dep't 2020).
- *Pober v. 750 Park Avenue Apartments Corp.*, 67 Misc.3d 128(A) (App. T. 2d Dept. 2020).
- *West 174 St Realty LLC v. 555 Housing Group LLC*, 2020 NY Slip Op 30269, Sup. Ct. N.Y. Co. (January 9, 2020)
- *501 Fifth Avenue Company, LLC v. Aslam*, 136A.D.3d 535 (1st Dep't 2016).
- *Lane v. Tyson*, 133A.D.3d 530 (1st Dep't 2015).
- *In the Matter of the Trusts Created under the Last Will and Testament of Catherine H. Carpenter, Deceased., 1977-6048/B*, 2015 NY Slip Op 30009(U), Sur. Ct., N.Y. Co. (January 8, 2015), N.Y.L.J., January 26, 2015.
- *Gudz v. Jemrock Realty Company, LLC*, 105 A.D.3d 625 (1st Dep't 2013) *aff'd* 24 N.Y.3d 382 (2014).
- *Maiden Lane Properties, LLC v. Just Salad Partners LLC*, N.Y.L.J., May 2, 2013 (Sup. Ct. NY Co.)
- *Baron v. Laurence Towers Co. LLC*, 2012 NY Slip Op 32177(U), Sup. Ct., N.Y. Co. (August 14, 2012), N.Y.L.J., September 5, 2012.
- *Staples the Office Superstore East, Inc. v. Flushing Town Center III, L.P.*, 90 A.D.3d 638 (2d Dep't 2011).
- *Bikman v. 595 Broadway Assoc.*, 88 A.D.3d 455 (1st Dep't 2011).
- *Russo v. 210 Riverside Tenants, Inc.*, 10 Civ. 914 (DLC)(January 25, 2011), N.Y.L.J., February 4, 2011.
- *Courtney House, LLC v. Starzecpyzel*, 27 Misc.3d 1239(A) (Civ. Ct., N.Y. Co. 2010).
- *Roberts v. Tishman Speyer Properties, L.P.*, N.Y.L.J., August 29, 2007 (Sup. Ct. NY Co.), *rev'd* 62 A.D.3d 71 (1st Dep't 2009), *aff'd* 13 N.Y.3d 270 (2009).
- *Access 4 All Inc. v. Trump Intern. Hotel and Tower Condominium*, 2007 WL 633951 S.D.N.Y. 2007 (February 26, 2007).
- *Adams v. Washington Group, LLC*, 42 A.D.3d 475 (2d Dep't 2007).
- *Doyle v. Metropolitan Ins. And Annuity Co.*, 35 A.D.3d 262 (1st Dep't 2006).
- *Stuyvesant Town -Peter Cooper Village Tenant's Assoc. v. Metropolitan Ins. And Annuity Co.*, 12 Misc.3d 1194(a) (Sup. Ct. N.Y. Co. 2006).
- *Washington Group, LLC v. Adams*, 11 Misc.3d 1083(a) (Sup. Ct. Kings Co. 2006).
- *Palace Renaissance, Inc. v. Sareb Restaurant Corp.*, 10 Misc.3d 137(a) (App. T. 1st Dep't 2005).
- *Stuyvesant Town -Peter Cooper Village Tenant's Assoc. v. Metropolitan Ins. And Annuity Co.*, 4 Misc.3d 1130(a) (Sup. Ct. N.Y. Co. 2004).
- *Incredible Christmas Store-New York v. RCPI Trust*, 307 A.D.2d 816 (1st Dep't 2003).
- *Redmont Realty Co., L.P. v. Dan's Supreme Supermarkets, Inc.*, 281 A.D.2d 610 (2d Dep't 2001), *lv. den.* 97 N.Y.2d 626 (2001).
- *Tuscan Realty Corp. v. O'Neill*, 189 Misc.2d 349 (App. T. 2d Dep't 2001).
- *Block 1017, Inc. v. Goonetillek*, 187 Misc.2d 858 (App. T. 1st Dep't 2001).
- *Matter of Murolo v. Safir*, 246 A.D.2d 653 (2d Dep't 1998).
- *Lincoln Amsterdam House, Inc. v. Baxter*, 224 A.D.2d 207 (1st Dep't 1996).

ARTICLES AND LECTURES

- Cited, "Can a NYC apartment building ban signs or flags in windows?," *Brick Underground*, November 9, 2021.
- Testified on behalf of the Real Estate Board Of New York at New York City Council Hearing on Commercial Rent Stabilization and Storefront Business Bill of Rights, September 17, 2021.
- Cited, "I was asked to pay a 'good faith' deposit for a NYC rental. Is this a scam?," *Brick Underground*, August 26, 2021.
- Cited, "I'm struggling with depression and can't live on my own. Can I break my lease without penalty?," *Brick Underground*, August 19, 2021.
- Presentation on Housing Stability And Tenant Protection Act (HSTPA), hosted by Compass Real Estate, June 10, 2021, New York, New York.
- Cited, "I'm moving and my landlord asked for next month's rent. Do I have to pay?," *Brick Underground*, April 22, 2021.
- Cited, "We're moving into a new condo but the garage is not finished. Can we be reimbursed for parking expenses?," *Brick Underground*, March 22, 2021.

- Cited, “NYC laws against short-term stays also apply to one- and two-family houses, court says,” *Brick Underground*, March 18, 2021.
- Cited, “My refrigerator is not cold enough. How can I get my landlord to fix it?,” *Brick Underground*, March 18, 2021.
- Panelist, “NYC real estate questions, answered,” *Brick Underground*, Podcast, March 16, 2021.
- Cited, “Why your security deposit should not be used as your last month's rent,” *Brick Underground*, February 23, 2021.
- Cited, “What is a ‘constructive eviction’ and what situations does it apply to?,” *Brick Underground*, November 19, 2020.
- Cited, “My landlord wants me out for a few days to replace the floors. Am I entitled to a rent reduction?,” *Brick Underground*, November 6, 2020.
- Cited, “My landlord won’t let me go month to month, but offered an opt-out clause if I renew. What’s the catch?,” *Brick Underground*, September 16, 2020.
- Cited, “Can City Council’s New Bill Secure the Survival of Small Businesses?” *BK Reader*, November 13, 2018.
- Panelist, “Home Rentals: The Short and the Long” at Hindsight Conference of American Planning Association, New York Chapter, November 2, 2018, New York, New York.
- Continuing Legal Education Presentation, “ADA Compliance and Litigation Strategies for NYC Retailers and Property Owners,” hosted by National Law Institute, October 24, 2018, New York, New York.
- Testified on behalf of the New York City Bar Association at New York City Council Hearing on Small Business Jobs Survival Act, October 22, 2018.
- Cited, “Wheelchair-Bound Man Demands 50K From Inaccessible Shops,” *New York Post*, July 22, 2018.
- Panelist, “Will Regulating Airbnb Hosts’ Transparency Create A Chilling Effect?” *NYI News*, In Focus With Cheryl Wills, July 22, 2018.
- Op-Ed, “The Small Business Jobs Survival Act Is Just Commercial Rent Control,” *Commercial Observer*, June 20, 2018.
- Panelist, “Continuing Legal Education – Landlord, Tenant & Litigation Perspectives on Retail Leasing” at New York City Bar Association, November 6, 2017, New York, New York.
- Panelist, “Continuing Legal Education – Inside, Outside, and Court Side Perspectives on Retail Leasing” at New York City Bar Association, November 7, 2016, New York, New York.
- Panelist, “City Bar Summer Series - Careers in Real Estate Law” at New York City Bar Association, July 21, 2015, New York, New York.
- Panelist, “Legal Panel – Conducting Meetings – Do’s - Don’ts - Warnings” at New York Association of Realty Managers Meeting, March 26, 2015, New York, New York.
- Panelist, “New Mayor, New Initiatives & Affordable Housing Expansion Update” at Annual New York Summer Apartment Summit, hosted by CapRate Events, June 26, 2014, New York, New York.
- Panelist, “The Politics, Ethics & Legalities of Strike Management – Owners vs. Owners vs. Residents vs. Contractors” at ABO Buildings, New York Show, hosted by Associated Builders and Owners of Greater New York, March 20, 2014, New York, New York.
- Cited, “Top 10 Tips For Buying A Real Estate Wreck,” *DNAinfo*, January 15, 2014.
- Panelist, “Legal Panel - Fire Safety and Certificate of Occupancy Issues” at New York Association of Realty Managers Meeting, October 24, 2013, New York, New York.
- Panelist, “Legal Panel - Update On Fire Safety Law Issues” at NYARM Building Management Expo, hosted by New York Association of Realty Managers, September 17, 2013, New York, New York.
- Cited, “Landlord, Tenants Settle Over Power Loss From Sandy,” *New York Law Journal*, August 27, 2013.
- Cited, “NYC Brokers Reel In Pricey Gifts From Clients Navigating Tight Market,” *The Real Deal*, August 1, 2013.
- Cited, “Salad Bar Gets The Cold Shoulder In Sandy Case,” *Real Estate Weekly*, May 8, 2013.
- Cited, “Landlord Prevails In NYC Court’s First Sandy-Related Commercial Lease Decision,” *The Real Deal*, May 1, 2013.
- Cited, “NY Appeals Court Lets J-51 Overcharge Actions Continue,” *Law360*, April 25, 2013.
- Cited, “Gimme Shelter From This Fiasco,” *New York Post*, April 4, 2013.
- Cited, “City Shelter Trying To Put 170 People Into 30-Person Space, Lawsuit Says,” *DNAinfo*, December 4, 2012.
- Cited, “Homeless Shelter Critics: Building Is Too Little To House 170 Men,” *The Brooklyn Paper*, December 3, 2012.
- Cited, “Restraining Order Intrigue Clouds Fate Of Carroll Gardens Homeless Shelter,” *Brooklyn Daily Eagle*, November 20, 2012.

- Presentation on Fire Safety Laws and Regulations, hosted by Fire Safety Director’s Association of Greater New York, April 6, 2010, New York, New York.
- Presentation on New York City Administrative Code Compliance Issues, hosted by New York City Hotel Owners, April 29, 2010, New York, New York.
Cited, “Decision of the Day - Appellate Division, First Dep’t - Landlord/Tenant Law: Class Suit By Tenants Claiming Landlord Illegally Deregulated Rent-Stabilized Units Is Reinstated,” *New York Law Journal*, March 11, 2009.
- Cited, “Panel Revives Stuyvesant Tenants’ Suit Over Rent Hikes,” *New York Law Journal*, March 6, 2009.
- Presentation on Indemnification Issues, hosted by MetLife, February 29, 2008, New York, New York.
- Cited, “Decision of Interest - Southern District - Condo's Third-Party Claims for Indemnification From Architects Dismissed as Collaterally Estopped,” *New York Law Journal*, March 7, 2007.
- Cited, “Big Firms Behind A Big Deal: A Look At The Law Firms Behind The Largest Real Estate Deals In History,” *The National Law Journal* and *New York Law Journal*, October 30, 2006.
- Cited, “MetLife Sells Complex For Record \$5.4 Billion,” *New York Law Journal*, October 25, 2006.
- Cited, “Decision of Interest - New York County Supreme Court - DHCR’s Order Permitting Card Key Security System is Not Disturbed Despite Identity Theft Concern,” *New York Law Journal*, August 9, 2006.
- Presentation on Human Rights Law, hosted by Greenberg Traurig, LLP, February 22, 2007, New York, New York.
- Cited, “N.Y. Rent Laws Enabling Out-of-Town Luxury,” *The New York Sun*, December 5, 2005.
- Presentation at National Fair Housing Seminar, hosted by Greenberg Traurig, PA, May 5, 2005, Miami, Florida.
- Cited, “City Denied Settlement Tied To An Oral Agreement,” *New York Law Journal*, August 15, 1996.

HONORS AND AWARDS

- Super Lawyers - Super Lawyers Magazine, Selected in 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022.

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

- Chair of Litigation Subcommittee, New York City Bar Association, Real Estate Committee, 2017 to 2020
- Member, Construction Codes Revision Committee – Administrative and Enforcement Advisory Committee, 2017 to 2020

BAR ADMISSIONS AND PROFESSIONAL LICENSES

United States Supreme Court
 New York, New Jersey, Southern and Eastern Districts of New York and District of New Jersey
 New York, Licensed Real Estate Broker
 New York, Licensed Real Estate Instructor – Qualifying and Continuing Education Courses