



## **Rosenberg & Estis, P.C. represents Kate Spade**

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New York, NY Rosenberg & Estis, P.C. represented Kate Spade & Co., LLC in a nonpayment proceeding against a commercial subtenant to recover the Fourth Floor of 1440 Broadway in Times Sq. Joshua Kopelowitz, member, and Kristen Campos, associate, of Rosenberg & Estis, P.C. represented Kate Spade.

On January 28, 2019, honorable Dakota Ramseur of the Civil Court of the City of New York issued a decision granting Kate Spade summary judgment and dismissing subtenant's defenses and counterclaim in full. In its nonpayment proceeding, Kate Spade sought a judgment of possession, rent arrears in the sum of \$850,600.47 and legal fees. Subtenant moved to dismiss the proceeding predicated upon the claim that the sublease was not effective or, in the alternative, that the sublease was terminated according to its terms. Subtenant argued that the sublease was not effective or terminated because Kate Spade did not approve certain contractors which subtenant sought to employ for its build-out of the premises.

R&E, on behalf of Kate Spade, cross-moved for summary judgment and successfully argued for the dismissal of subtenant's affirmative defenses and counterclaim based upon the plain language of the sublease and overlease. In addition, R&E argued that Kate Spade should be granted all the relief sought in the proceeding.

Court adopted R&E's arguments in full and granted Kate Spade a judgment of possession, all rent and additional rent arrears sought in the sum of \$850,600.47, plus interest in the sum of \$18,456.87 from November 8, 2018, for a total judgment of \$869,057.34. Court also set the matter down for an attorneys' fee hearing for Kate Spade to recover fees from subtenant.

"We are pleased the Court understood the facts and the law and correctly awarded our client a complete and total victory," Kopelowitz said.

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