



Ross L. Hirsch

*PartnerCo-Chair, Pro Bono*

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Ross Hirsch is a partner in Herrick's Litigation Department, concentrating his practice on real estate litigation, complex commercial litigation and employment-related disputes.

Understanding that each client's unique litigation and business objectives are of primary importance, Ross works tirelessly and creatively to pursue bespoke solutions to thorny problems. Ross has successfully represented individuals and companies - including real estate developers, real estate opportunity funds, hedge funds, investment management companies and Fortune 500 companies in federal and state courts throughout the country. Ross also counsels his clients through all mediums of dispute resolution, including mediation and arbitration, as an alternative to litigation where warranted.

Ross was named one of the *New York Law Journal's* Rising Stars (2012 - 2015) - a group of 50 lawyers in New York City under the age of 40, whose hard work has significantly contributed to the law and their communities.

Prior to joining Herrick, Ross was associated with Dechert LLP and Debevoise & Plimpton LLP.

A life-long New Yorker, Ross lives with his family in Carroll Gardens, Brooklyn. On weekends, he can often be found coaching little league in Prospect Park.

### Pro Bono Service

Ross devotes a significant amount of time to pro bono causes each year. For many years Ross has served as co-chair of Herrick's Pro Bono Committee, and coordinates numerous advocacy projects such as Herrick's participation in the New York State Bar Association's Legal Clinic for the Homeless, a partnership with Sanctuary for the Families for victims of domestic violence, and the U-Visa Project, coordinated by Her Justice. In 2012, he was honored with the City Bar Justice Center's Jeremy G. Epstein Award for outstanding pro bono service.

### Services

- Litigation
- Business Litigation
- Alternative Dispute Resolution
- Real Estate Litigation & Dispute Resolution
- Real Estate

### Education

- New York University School of Law (J.D., 2000)
- Amherst College (B.A., 1997)

## Accolades

New York Law Journal Rising Star, 2015

New York *Super Lawyers* Rising Stars, 2013-2015

New York City Bar Justice Center's Jeremy G. Epstein Award for pro bono service, 2012-2015

## Memberships & Associations

- New York City Bar Association

## Publications

June 2, 2014

New Accelerated Adjudication Option Goes into Effect Today for New York State Supreme Court, Commercial Division

July 14, 2010

Consider Pursuing Guarantors in State Court  
New York Law Journal

## Matters

### Disputed Ownership of \$106 Million Pablo Picasso Sculpture

Representing Leon D. Black, co-founder of Apollo Global Management, in an international dispute over the ownership of Pablo Picasso's "Bust of a Woman" plaster sculpture.

### Real Estate Owners - "Baseball Arbitration" and Litigation over Valuation and Buy-out of NYC Shopping Center

Herrick delivered a major victory to real estate owners in a buy out dispute between partners over the valuation of a New York City shopping center that they co-owned. Prior to Herrick's involvement, the opposing party had won the right to buyout our clients' interest in the retail center, with the purchase price to be set based on a neutral appraiser's determination as to which party's appraisal was more accurate. The firm achieved two decisive victories on behalf of our clients in New York Supreme Court, obtaining an order that the appraisal process move forward immediately and then that the "date of valuation" was to be current rather than a 2012 date that the parties had previously discussed. Thereafter, two months of extensive appraisal proceedings ensued, and our valuation was ultimately chosen over the opposing party's assessment, which was many millions of dollars lower. The valuation date decision was affirmed, with costs, by the Appellate Division, Second Department.

### Commercial Lease Disputes

Represent a major U.S. bank in various commercial lease disputes. Recent representations include obtaining the pre-answer dismissal of a complaint filed by a former landlord in connection with a dispute over post-occupancy obligations.

### Board of Managers - Construction Defect Litigation with Sponsor

Representing the Board of Managers of a two-building condominium in Brooklyn Heights in a dispute with the building's sponsor over a myriad of alleged construction defects and instances of non-compliance with the offering plan.

### Trust Administrator - Breach of Contract

Negotiated favorable settlement on behalf of a provider of specialized administrative and corporate governance services to resolve claims of breach of contract, gross negligence and fraud related to administration of trust in connection with a portfolio of student loan backed notes.

### Counsel and Law Firm - Successful Appeal of Contempt of Court Ruling

Secured a favorable ruling from the Second Circuit on behalf of attorneys and their law firm in their appeal of a district court's ruling holding them in contempt of court and sanctioning them for the alleged failure of their clients, the Republic of Iraq and Iraq's Ministry of Industry, to comply with a post-judgment discovery order. Finding that our clients had been given insufficient notice of the charges, and that the district court exceeded the bounds of its discretion when, under the circumstances, it proceeded to sua sponte find the attorney appellants in contempt, the Second Circuit vacated the order of contempt against our clients. In vacating the contempt finding, the Second Circuit also ruled that the attorneys had appellate jurisdiction even after the underlying case against their clients had settled and the judgment satisfied, a previously open question of law in this Circuit.

#### Lender - Times Square Hotel Enforcement Action

Represented the lender of a \$65 million loan to fund the acquisition of a Times Square area hotel following the alleged breach of a provision in the loan agreement requiring that a restaurant tenant servicing the hotel be opened to the public by a specific date. This litigation was ultimately settled favorably after hard fought litigation.

#### Property Owners - Real Estate Brokerage Dispute

Represented property owners in litigation and negotiated settlement arising from a real estate broker's alleged breach of fiduciary duty while acting on our clients' behalf to broker four properties located in New York City's East Village and Lower East Side.

#### TIC Interest Holder - Real Estate

Represented tenant-in-common interest owner in substantial portfolio of Manhattan properties in connection with arbitration and litigation as to disposition of interests.

#### Futures Commission Merchant - Class Action

An FCM in a class action lawsuit defending against claims alleging that the firm engaged in, or assisted, a scheme to manipulate the prices of palladium and platinum futures contracts traded on NYMEX.

#### REIT - Real Estate Litigation

Represented an affiliate of a leading REIT in winning summary judgment: (a) in an adverse possession action brought by the owners of adjacent property; and (b) in a separate real estate breach-of-contract suit arising out of an agreement sell property in Manhattan.

#### Asset Management Company - Investment Suitability

Represented an investment advisory company in defense of action by former client with respect to investment losses.

#### Global Manufacturer

Representation of a global manufacturer in prosecution of claims against former key employees and competitor for breaching fiduciary duty, raiding workforce, and misappropriating confidential information.

#### Real Estate Opportunity Fund - Enforcement of Guaranty

Represented a real estate opportunity fund in obtaining summary judgment in lieu of complaint against guarantors.

#### Global Manufacturer - Trade Secret and Unfair Business Practice Litigation

Successful representation of a global manufacturer in litigation to enforce restrictive covenants against former high-ranking employees.