



Samuel J. Bazian

Partner

sbazian@herrick.com

(212) 592-1611 PHONE

(212) 545-3303 FAX

Samuel Bazian is a partner in Herrick's Litigation Department. His practice is focused on complex commercial litigation with a particular emphasis on real estate, contract and employment disputes.

Sam regularly represents owners, operators and investors in a wide range of commercial real estate disputes, and he has handled countless mediations, arbitrations and litigations on behalf of clients in a variety of other industries, such as nursing and rehabilitation providers, product manufacturers and insurance companies.

Sam has substantial experience litigating trial and appellate cases in New York's state and federal courts, and he has handled matters before several alternative dispute resolution venues as well.

Services

- Litigation
- Corporate Litigation
- Real Estate Litigation & Dispute Resolution
- Distressed Real Estate
- Construction and Development
- Employment Litigation
- Insurance & Reinsurance
- Alternative Dispute Resolution

Education

- St. John's University School of Law (J.D., *cum laude*, 2014)
 - Senior Articles Editor, St. John's Law Review
- Queens College, CUNY (B.A., *cum laude*, 2011)

Recognitions and Accolades

- *The Best Lawyers in America*® - *Ones to Watch*, Commercial Litigation (2024, 2025)



- *Benchmark Litigation 40 & Under List (2024)*

Award Methodology

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Matters

Real Estate Brokerage Firm - Favorable Decision in Breach of Contract Dispute

Represent a global real estate brokerage firm in a breach of contract dispute. In this matter, the brokerage firm contracted to be the exclusive agent in the sale of multiple properties in New York City. Herrick's client brought an action in the Supreme Court of the State of New York when the defendants failed to pay the requisite commissions due under the agreement. As a result, the Court granted the client's motion for summary judgment and ordered a judgment in favor of the brokerage firm for the full amount owed. This litigation remains ongoing.

Brooklyn Bridge Park Developers - Dismissal of Lawsuits Seeking to Halt Construction

Successfully defended the developers of a \$320 million Brooklyn Bridge Park hotel and condominium project, defeating two lawsuits filed by activists seeking to halt construction of the project. In a decision of significance to the New York real estate industry, Herrick secured an order in New York state court denying plaintiffs' motions for both an injunction and a declaratory judgment that the planned buildings exceeded height limitations specified in the project's governing documents. The court found that the development complied with the law and further ruled the legal challenge barred by the statute of limitations for bringing an Article 78 proceeding. Herrick then defeated a second lawsuit claiming to assert a different land use violation, securing dismissal of the complaint on the grounds of failure to exhaust administrative remedies, statute of limitations and res judicata. Herrick continues to represent the clients on the plaintiffs' appeal.

Real Estate Partnership Dispute - Pre-trial Dismissal of Claims for Breach of Fiduciary Duty, Corporate Waste and an Accounting

Herrick negotiated a favorable settlement on behalf of a managing agent and its principals, resolving contentious litigation in New York state court between partners in a venture to develop and lease a medical office building. Prior to reaching the settlement, Herrick secured a number of advantageous rulings - including pre-trial dismissal of claims for breach of fiduciary duty, corporate waste and an accounting - which positioned our clients well in the negotiations that ultimately led to the partnership's sale of its leasehold interest in the property on favorable terms, a transaction on which Herrick also advised.

Brokerage Firm - Dismissal of Discrimination Claims Upheld on Appeal

Successful defense of a luxury real estate brokerage firm in an action alleging discrimination based on sexual orientation and marital status in violation of New York State and City Human Rights Laws. Herrick secured the complete dismissal of the complaint in the trial court, and then successfully defended the ruling on plaintiffs' appeal to the Appellate Division, First

Department which upheld the dismissal, finding the plaintiffs had no cognizable claims against our clients who had sought to facilitate, not prevent, plaintiffs' purchase of a cooperative apartment.

Multiple Claims Dismissed in Shareholder Derivative Litigation

Secured a ruling in Kings County Supreme Court on behalf of a garment manufacturer and certain affiliated individuals and entities that dismissed several causes of action in a purported shareholder derivative suit. Among the claims asserted was the allegation that a competing entity had been used by certain defendants to usurp business opportunities, and that ownership of a company facility had been fraudulently transferred to a charitable trust and foundation. The court granted our motion to dismiss the claim for a constructive trust over either the alleged competing entity or the foundation; an unjust enrichment claim against the charitable trust and foundation defendants; and a claim of rescission of the alleged fraudulent transfer of the facility, which the court found was time-barred.

Private School - Defense of General Contractor's Breach of Contract Claims

Defending a private school and affiliated religious institution in litigation with a general contractor who formerly oversaw a significant renovation at the school's Upper East Side facility during which a fire occurred, resulting in millions of dollars in damages. In addition to defending the client from breach of contract counterclaims in ongoing litigation alleging that the fire was caused by the contractor's negligence, Herrick successfully argued that a separate breach of contract action filed by the contractor was duplicative and harassing, securing an order from the bench dismissing the contractor's complaint in its entirety.

Real Estate LLC Shareholder - Breach of Fiduciary Duty Claims

Represented a significant stakeholder in 16 LLCs which own and manage a portfolio of Manhattan properties in pursuing breach of fiduciary duty and fraudulent inducement claims, as well as derivative claims for waste, conversion and unjust enrichment against the managing member.

Developer - Dispute over Down Payment Favorably Resolved

Represented a real estate developer in litigation with the seller of a Midtown Manhattan property over the return of the client's multimillion dollar down payment on the property after the seller materially breached a contract of sale between the parties by failing to cure violations at the property as required, refusing to allow our client access to the property in violation of the agreement, and improperly noticing a "time of the essence" closing. The dispute was resolved favorably under a settlement that recovered significant damages for the client.

Commercial Bank - Dismissal of Claims in Age Discrimination Litigation

Represented a U.S. commercial bank in connection with securing the dismissal of the majority of claims against it that were filed by a former executive of the bank over age discrimination allegations.

Electricity Supplier - TCPA Class Action Favorably Resolved

Negotiated a favorable settlement on behalf of a national electricity services provider to resolve a putative class action filed in New Jersey federal court by a plaintiff alleging violations of the Telephone Consumer Protection Act (TCPA).

Brazilian Investment Firm - Construction Dispute with Former Architect and Design Firm

Represented the US-based subsidiary of a Brazilian investment firm as defendant, counter-claimant and third-party plaintiff in litigation with the architect and design firm that formerly oversaw renovations at a midtown Manhattan office building owned by the client. The dispute was ultimately settled favorably, dismissing all claims against the client without payment or other obligation while recovering a significant sum on the client's behalf.

Publications

March 11, 2022

Recent Russia-Related Sanctions Orders Raise Potential Compliance Concerns