



## Andrew J. Wagner

*Partner*

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Andrew J. Wagner is a partner in Herrick's Litigation Department where he concentrates his practice in real estate litigation, landlord-tenant and cooperative and condominium law.

With over 25 years of experience, Andrew handles all areas of real-estate litigation, including summary eviction proceedings, brokerage disputes, "Yellowstone" injunctions, foreclosure actions, and creditor representation in bankruptcy proceedings. He has also successfully argued numerous appeals before the Appellate Term and Appellate Division, in both the First and Second Departments.

Andrew also regularly appears before administrative agencies such as the New York State Division of Housing and Community Renewal, handling rent regulation coverage issues and rent overcharge claims.

His diverse clientele includes both institutional and family-owned property owners, cooperative and condominium boards, managing agents, individual co-op/condo owners, rent-regulated tenants, and commercial tenants.

Andrew frequently writes on landlord-tenant matters and has been quoted in numerous publications, including *The New York Law Journal*, New York's Cooperative and Condominium Community *Habitat Magazine* and *The New York Cooperator*.

Prior to joining Herrick, Andrew practiced law at Anderson Kill P.C.

### Services

- Litigation
- Real Estate Litigation & Dispute Resolution
- Condominium and Cooperative Law
- Real Estate

### Education

- Hofstra University School of Law (J.D., 1994)
- Brandeis University (B.A., 1988)

### Memberships & Associations

- New York State Bar Association, Member
- New York City Bar, Member

### Matters

Retailer - Leasing Dispute with the Metropolitan Transit Authority (MTA) - NYC

Represented a children's retailer in a suit brought by the Metropolitan Transit Authority (MTA) for back rent and future rent (with personal liability) of almost half a million dollars on its lease at Grand Central Terminal. The Herrick team negotiated a favorable settlement on behalf of the client.

#### **Wolf Haldenstein - Dispute with Manhattan Landlord**

Achieved significant award for Herrick client, the highly-respected plaintiff's class action law firm Wolf Haldenstein Adler Freeman & Herz LLP, in a dispute with their Manhattan landlord. The landlord failed to properly renovate Wolf Haldenstein's office space as outlined in their lease agreement, thus leaving the office in an unsuitable condition for people to work in. The court affirmed that the landlord and its affiliates failed to properly renovate office space leased by Wolf Haldenstein and dismissed the landlord's counterclaim for allegedly owed back rent. The court also awarded Wolf Haldenstein attorney fees.

#### **Real Estate Investor - Summary Judgment Granted in Contract Dispute over Prospective Purchase of Condominium Unit**

Herrick successfully represented the purchaser of a condominium unit in a dispute over a time of the essence closing date. In the order, the Judge granted our motion for summary judgment in its entirety by determining that the seller breached the contract by failing to timely close. Consequently, our client was entitled to a refund of its down payment, a lien was imposed on the property and attorneys' fees were awarded to our client as the prevailing party.

#### **Commercial Occupant - Summary Judgment Granted in Dispute with Landlord**

Herrick successfully represented a commercial business in a dispute with their landlord where their landlord sought to evict them by issuing a notice to terminate their "tenancy" by issuing a 90-day termination notice. After the parties were unable to reach a settlement, Herrick filed a motion for summary judgment seeking dismissal of the proceeding. The Court ultimately granted our client's motion in its entirety and dismissed the proceeding due to the landlord's failure to accurately describe their legal relationship.