



## John P. Sheridan

*Counsel*

[jsheridan@herrick.com](mailto:jsheridan@herrick.com)

(212) 592-1510 PHONE

(212) 545-3393 FAX

John (Jack) Sheridan practices general commercial litigation with an emphasis on real estate related litigation. He handles substantial matters at both trial court and appellate court levels, as well as before administrative agencies.

Jack has represented clients in precedent setting cases in various fields of law, such as *Diamond Asphalt Corp. v. Sander*, 92 N.Y.2d 244 (1998), which invalidated a section of the General Municipal Law; *Rubinstein v. 160 West End Owners Corp.*, 74 N.Y.2d 443 (1989), which held that an estate is not a "tenant in occupancy" with the right to purchase a co-op unit where the decedent died before the unit was offered for sale; *Schwartz Landes Associates v. C.A.B.*, 117 A.D.2d 74 (1st Dep't 1986), which clarified the rights and liabilities of members of group homes as rent stabilized tenants; and *RKO Century Warner Theatres v. Morris Indus. Builders*, 174 Misc.2d 954 (1997), which clarified rights of tenants seeking injunctive relief pursuant to *First National Stores v. Yellowstone Shopping Centers*.

Prior to joining Herrick, Jack was a partner at Graubard Mollen & Miller. He is a member of the New York State Bar Association and the New York County Lawyers Association. Prior to his admission to the Bar, Jack was employed for more than 10 years in various parts of the New York State court system, including the Appellate Term of the Supreme Court for the Second Department and the Supreme Court, Kings County.

### Services

- Litigation

### Education

- Brooklyn Law School (J.D., *cum laude*, 1982)
- St. Francis College (*summa cum laude*)

### Memberships & Associations

- New York State Bar Association
- New York City Lawyers Association

### Matters

#### Appellate Court Victory Barring Arbitrator from Modifying Original Award

Herrick secured an important victory before the Appellate Division, Second Department, obtaining a ruling affirming the trial court's decision to overturn a Bet Din arbitration in which the arbitrator issued an additional award against our client after having already rendered a final award. The plaintiff had argued that the arbitrator's first award of \$425,000 was only an interim judgment and that the agreement vested the arbitrator with continuing authority to issue another award against our client, two years later and involving the same general subject matter, for an additional \$3.75 million. Although courts rarely overturn arbitration awards, the

appellate court agreed that the arbitrator lacked the authority to expand the previous award and affirmed the decision on the grounds that the arbitrator was "*Functus Officio*."

#### Real Estate Owner - \$3 Million Commercial Leasing Dispute

Represented an affiliate of one of the nation's largest owners, developers and managers of class A office space in a Manhattan office leasing dispute with a high profile hedge fund tenant and two unauthorized sub-tenants over unpaid rent and associated charges totaling nearly \$3 million. Shortly after commencing litigation, the firm negotiated a settlement which allowed the client to quickly recover possession of the space.

#### Fashion Designer - Flagship Manhattan Store Leasing Dispute

Represented, as co-counsel, one of the world's largest luxury fashion designers, as plaintiff, in litigation with the landlord of its flagship Manhattan retail location. Victories on behalf of the client included a ruling enjoining the landlord from terminating our client's lease, an order for our client to continue paying the current rent under the lease rather than a much higher amount requested by the landlord, and a decision rejecting the landlord's motion for our client to post an \$83 million bond related to plans to demolish and redevelop the site. The dispute was resolved in a settlement, pursuant to which the client obtained a new, long-term lease.

#### Hospitality Group - Building Violations

Advise client on matters concerning building violations before the NYC Environmental Control Board and the NTC Criminal Court.

#### Hospitality Group - Building Violation Hearings

Represented a hospitality client in building violation hearings before the Environmental Control Board, a division of the New York City Office of Administrative Trial and Hearings.

#### Major Publicly-Owned REIT - Settlement with Tenant

Represented a major, publicly-owned REIT in reaching a favorable settlement with a prospective 400,000-sq.-ft. tenant of a proposed major office building, arising from the REIT's decision to suspend development due to condition of the local real estate market.

#### Real Estate Developer - Mitchell Lama Contract Dispute

Represented a major developer in enforcing a \$100 million contract to sell a Mitchell Lama project on Roosevelt Island, New York. The trial court dismissed our complaint, but the Second Department, relying on our legal arguments, reversed the lower court and permitted the claim for specific performance to move forward. (*R.I. Island House LLC v. North Town Phase II Houses, Inc.* (2nd Dep't, May 2008)).

#### Asphalt Contractor - Post 9/11 Reconstruction Bidding Dispute

Representation of an asphalt contractor in challenging the bidding procedure used by New York City and utility companies to award significant street reconstruction work near the World Trade Center site after the September 11<sup>th</sup> terrorist attacks. We obtained several temporary stays on the grounds that the bidding procedure violated public procurement laws. The city cancelled its invitation to bid and used a different procurement procedure.

## Publications

### May 18, 2020

New York City Council Passes Small Business Legislation Response to the COVID-19 Pandemic

### July 2019

Stabilization Code – Successor Liability for Lenders