



Joshua Stricoff

Associate

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Josh Stricoff is an associate in Herrick's Litigation Department, where he focuses on real estate and construction litigation, as well as general commercial litigation.

In addition to representing real estate owners and contractors in a variety of construction disputes, Josh has successfully represented clients in a wide range of commercial and real estate matters, including commercial landlord and tenant, condominium governance, fraud, contracts, shareholder, business divorce, trade secrets, and defamation disputes. Josh has also represented businesses in disputes with state and local government agencies.

Josh litigates in traditional forums, such as state and federal courts, and frequently participates in arbitrations and mediations.

Prior to joining Herrick, Josh was an associate at Wachtel Missry LLP and Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP.

Services

- Litigation
- Real Estate Litigation & Dispute Resolution
- Distressed Real Estate
- Construction and Development
- Business Divorce & Partnership Disputes

Education

- Fordham University School of Law (J.D.)
- Ursinus College (B.A.)
 - Phi Beta Kappa

Matters

Real Estate Litigation and Hearing - Nonprofit Facility

Herrick represented PEY Realty LLC, which is an entity formed for the benefit of the Chabad Lubavitch of the West Side, in an arbitration against an affiliate of Sackman Enterprises. In 2017, PEY entered into a contract to purchase a \$30m community facility condominium unit in a new building being developed on W 96th St. The condominium unit, 6 floors and a cellar, was intended to house the Chabad's permanent operations, including all religious, educational, and community services. In connection with the contract, PEY tendered a multi-million dollar down payment. The project experienced years of construction delays. Once it became clear that litigation was imminent, each party called defaults under the contract. After a three-day hearing, The Herrick team was able to secure an award directing that the down payment be returned to PEY, together with a significant award in additional money

damages, including the lion's share of attorneys' fees. The Chabad can finally put the down payment to a productive use and resume its efforts to find a permanent home.

Foreign Consultant – Successfully Defended in Payment Dispute

Awarded motion to dismiss on jurisdictional grounds in lawsuit brought against Herrick's client, a foreign consultant, by an entity attempting to claw back valuable compensation.

Property Owner – Construction Defect Dispute

Represented a property owner as the plaintiff in a complex construction suit filed against the construction manager and licensed special inspector for a high-profile, luxury residential property in Manhattan. After multiple days of mediation, Herrick obtained a favorable settlement for the client.

Condominium Board – Condominium Litigation

Prevailed on a matter of first impression before the Appellate Division, First Department. At issue was the statute of limitations under Real Property Law ("RPL") section 339-l, which provides that condominium common charges are to be held in trust for the benefit of materials suppliers, laborers, contractors, and other construction professionals, provided that (i) those individuals provided services benefitting condominium common elements and (ii) the services were provided at the request or consent of the board of managers. RPL § 339-l does not specify a statute of limitations, and a contractor sued Herrick's client for a violation of the statute based on a five-year-old claim. At the trial court level, Herrick prevailed on a motion to dismiss, successfully arguing that, under prevailing law, a three-year statute of limitations applies to claims under RPL § 339-l, thus rendering the contractor's claims untimely. The motion to dismiss was unanimously affirmed on appeal, thus representing a complete victory for Herrick's client. The case is *ELM Suspension Sys., Inc. v. 45 E. 33rd St. Condo.*, 201 A.D.3d 498 (1st Dep't 2022).

New York City Synagogue – Real Estate Covenant Dispute

Successfully represented a synagogue in extinguishing restrictive covenants placed on its deed from the synagogue's predecessor interest that were prohibiting a redevelopment project from moving forward.

New York City Church – Real Estate Covenant Dispute

Successfully represented a church in extinguishing an unsatisfied mortgage recorded against the Church's property, thus giving the church clean title.

New York City Fine Dining Restaurant – Successfully Obtained Yellowstone Injunction

Successfully obtained a Yellowstone injunction on behalf of a restaurant/nightlife establishment in Manhattan's Meatpacking District.

Developer – Specific Performance

Successfully represented a developer in an action to specifically perform a 15+ option to purchase a plot of land in Poughkeepsie, New York and obtained an order permitting an assigned money judgment to offset the purchase price.

Condominium Board of High-Profile Luxury Building in NYC – Construction Defect Dispute

Represented the Board of a high-profile luxury condominium building in New York City in a complex dispute with the condominium sponsor relating to construction defects.