



New York

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Related Services

- Litigation
- New York Condominium and Cooperatives
- New York Real Estate Tax Certiorari and Appeals
- Real Estate Litigation

Education

- J.D., St. John's University School of Law, 1972
- B.A., Fordham University, 1968

Kevin L. Smith Senior Counsel

Kevin L. Smith concentrates in construction, real estate, special tax, cooperative and condominium, professional liability and insurance coverage litigation. He is an experienced trial and appellate advocate and has appeared regularly in state and federal courts.

Mr. Smith has prosecuted and defended matters on behalf of real estate developers, contractors, cooperatives, engineers, architects and design professionals. Mr. Smith has a particular expertise in commercial real estate disputes. Mr. Smith also has represented insurance companies involved in coverage disputes.

Representative Matters

- Obtained a declaratory judgment for a commercial condominium unit with respect to a multimillion dollar real estate tax dispute involving a Battery Park City property.
- Successfully defended a corporation in connection with a claimed joint venture agreement for the development of real property in Philadelphia in the United States District Court for the Southern District of New York and the Second Circuit Court of Appeals.
- Represented numerous cooperatives and building owners in disputes relating to parking garage leases and the physical condition of same.
- Successfully represented a national banking organization in successful foreclosure of a multi-million dollar loan on a high rise residential building in Queens.
- Represented major residential housing developer in the foreclosure of mortgages on a Manhattan theater district assemblage.
- Successfully represented a national banking institution in connection with a commercial loan dispute involving a high-rise Manhattan office building.
- Successfully defended the developers of an architecturally distinct residential development on the west side of Manhattan in connection with alleged construction and design defects.
- Obtained a judgment of specific performance in connection with a contract dispute involving a classic townhouse on Manhattan's east side.
- Obtained a judgment of specific performance on behalf of a contract vendee in connection with an East Hamptons ocean-view estate.
- Successfully prosecuted multiple partition actions to judgment sales with respect to classic residential properties located in the West Village and the west side of Manhattan.

- Defended numerous real estate developers in connection with Martin Act investigations and prosecutions.
- Advised a prominent ocean front cooperative with respect to building department and land use issues.
- Litigated landmark condominium tax cases relating to RPTL 421-A tax benefits for commercial units in mixed use buildings.
- Successfully defended an investment banking firm in connection with a claim for a \$25 million real estate brokerage fee relating to its new corporate headquarters in Midtown Manhattan.
- Represented a Bronx cooperative development in connection with garage defect claims relating to eight parking garages that resulted in a \$27 million award for the cooperative.
- Represented a Manhattan condominium in obtaining an unprecedented injunction barring an occupant for failure to pay common charges and fees owed to the condominium.
- Successfully prosecuted damage claims on behalf of a historic lower east side congregation in connection with causes of action for breach of contract.
- Represented a Hotel owner in connection with the termination of a parking garage Lease on Madison Avenue.

Honors & Awards

Mr. Smith has been recognized by *New York Super Lawyers* for 2015, 2016, 2017, 2018 and 2019.

Memberships

- Member, Forum Committee on the Construction Industry, American Bar Association
- Member, Federal Bar Council
- Member, President's Council, Fordham University
- Associate Member, The American Institute of Architects
- Member, The Association of the Bar of the City of New York
- Co-Chairman, Board of Directors, The Go Project, a not for profit organization that provides academic support for New York City public school students
- Designated Mediator, U.S. District Court, Eastern District of New York
- Designated Mediator, U.S. District Court, Southern District of New York

Admitted To Practice

New York

U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; U.S. Court of Appeals, Second Circuit; U.S. Supreme Court