



NOAH M. WEISSMAN

Partner

New York

Partner and Deputy Leader, Real Estate Disputes

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BIOGRAPHY

Noah Weissman is a seasoned litigator and trial lawyer who leads the U.S. Real Estate Disputes Practice Group and the firm's New York Business & Commercial Disputes Practice Group. With over 20 years of significant courtroom and arbitration experience, Noah is highly regarded by his clients and peers for his ability to use litigation to accomplish his clients' business goals.

Noah represents private equity companies, lenders and special servicers, real estate developers, REITs, investors, hospitality companies, property owners and tenants in disputes involving acquisitions, development, leasing, financing, construction, commercial foreclosure, and other real estate-based disputes. He works closely with BCLP's highly regarded Transactional Real Estate

Practice by providing strategic, commercial advice to mitigate risk and resolve issues without the need for litigation.

Noah also handles a broad range of corporate and commercial matters involving claims against officers and directors, mergers and acquisitions, intellectual property (involving trademark, copyright, right of publicity and defamation disputes), and contract disputes before state and federal courts (including the United States Bankruptcy Court). His clients include Fortune 500 companies, closely held businesses, investment partnerships, financial institutions and entrepreneurs across a broad range of industries.

CIVIC INVOLVEMENT & HONORS

- *New York Super Lawyers*, 2008-2015
- *Law Review*, American University School of Law, 1990
- Law Clerk to United States District Judge Jacob Mishler, United States District Court for the Eastern District of New York, 1992-1993

ADMISSIONS

- New York, 1993
- United States Courts of Appeals for the Second, Fifth, and Ninth Circuits
United States Tax Court
United States Bankruptcy Court
United States District Courts for the Eastern and Southern Districts of New York

EDUCATION

New York University, J.D., *cum laude*, 1992

Cornell University, B.A., 1989

RELATED CAPABILITIES

- Real Estate Disputes
- Business Speech
- Energy Transition
- Real Estate

- Litigation & Dispute Resolution
- Business & Commercial Disputes
- Contract, Endorsement & Celebrity Representation
- Anti-Doping
- Sports & Event Venue Real Estate Infrastructure & Operation
- Naming Rights & Sponsorship
- Sports & Entertainment M&A
- Sports, Media & Entertainment Litigation
- Collegiate Sports
- Sports, Media & Entertainment
- Entertainment Industry
- Olympic & National Governing Bodies
- Professional Sports Team Representation
- Financial Services
- Real Estate Private Equity, Investments & REITs
- M&A Disputes
- Sports & Event Financing
- Media & First Amendment
- Securities Litigation and Enforcement

EXPERIENCE

REAL ESTATE DISPUTES

- Obtained \$22 million judgment after multi-week arbitration against national mall operator in favor of luxury retailer arising from construction and redevelopment dispute arising under lease.
- Successfully defended international hotel operator against multimillion-dollar claims brought by hotel developer arising from alleged breach of development and management agreement.
- Successfully resolved claims against international hotel operator in AAA arbitration asserting breach of letter of intent and alleged agreement to develop hotel in San Francisco.
- Successfully defended national hotel operator in hearing before AAA against breach of contract claims arising from closing of airplane hangar operation that followed corporate acquisition.
- Successfully defended real estate developer in trial, obtaining dismissal of a \$15 million lost profit claim and a forfeiture claim and in obtaining a counterclaim judgment in excess of \$6

million, in a development dispute involving the construction of a hotel, garage and retail space in Manhattan.

- Obtained multimillion-dollar judgment after multi-week trial in favor of real-estate, private equity client in connection with fraud, self-dealing, and mismanagement by managing member of real estate venture holding apartment building portfolio.
- Successfully resolved freeze-out merger and valuation litigation on behalf of real-estate, private equity client in mixed use apartment building in New York.
- Obtained multimillion-dollar summary judgment award in favor of real-estate, private equity fund in connection with breach of letter of intent exclusivity provision and break-up fee.
- Represented fiber optics company in construction dispute with municipality over delivery of fiber optic cable to residential neighborhoods.
- Represented property owner in construction dispute with construction manager and developer on commercial construction project.
- Successfully represented special servicers and lenders in connection with mortgage and Uniform Commercial Code (UCC) foreclosure actions for hotel, apartment and office buildings, obtaining appointment of temporary receiver and recovery after defaults.
- Represented special servicer in connection with obtaining national receiver to manage and sell mortgaged properties to address maturity default in excess of \$500 million.
- Represented national bank in class action asserting claims arising out of private mortgage insurance for residential mortgages serviced by client.
- Successfully litigated on behalf of international venue management company action against the New York Islanders' hockey team that prevented the team from vacating the Nassau Coliseum.
- Provide ongoing advice and counsel to real estate clients in connection with avoiding and navigating disputes to successful resolution in furtherance of business objectives.

BUSINESS LITIGATION

- Represented hedge funds in connection with investment mismanagement claims and member departures and dissolutions.
- Successfully resolved claims against international newspaper relating to alleged defamation on paper's website.

- Successfully defended joint owner of closely held corporation in connection with fraud, breach of contract and theft of corporate opportunities claims against another joint owner.
- Represented biotechnology company and its directors in arbitration of claims arising out of corporate acquisition and alleged breaches of representations and warranties in merger agreement.
- Represented digital media company and its independent directors in connection with breach of fiduciary duty claims arising out of going-private transaction.
- Represented public companies and board members in connection with class action and derivative lawsuits involving securities fraud allegations, breach of fiduciary duty claims, and other securities law violations in connection with public disclosures, mergers and acquisitions, and insider transactions.
- Represented special committee investigating breach of duty claims arising out of alleged firewall backdoor in software and successfully resolved matter to avoid litigation.
- Represented health maintenance organization (HMO) in connection with claims for breach of corporate acquisition agreement arising from alleged material adverse change.
- Represented trustee in bankruptcy pursuing litigation claims on behalf of the estate in connection with publicly traded corporation that was the subject of fraud scheme.
- Represented healthcare hedge fund in connection with breach of stock purchase agreement and violations of various securities laws.
- Represented top-four broker dealer in international investigation of brokerage practices.
- Successfully defended top-four broker dealer and investment manager in week-long arbitration hearing before the New York Stock Exchange (NYSE) against claims based on accusation that investment manager rendered unsuitable investment advice.
- Represented top-four broker dealer in connection with pension fund's ERISA claims related to best price/best execution, violations of fund's investment policies, and prohibited transactions.
- Successfully defended top-four broker dealer and financial advisor in National Association of Securities Dealers (NASD) arbitration hearing from claims asserting negligent investment and tax advice received in connection with the exercise and disposition of employee incentive stock options, recommendations of various stock investments, and use of margin.
- Successfully litigated through appeal on behalf of PIPE investor in the case that established federal appellate authority protecting convertible securities investors from short-swing liability under the federal securities laws (*Levy v. Southbrook Int'l Investments, Ltd.*).

RESOURCES

PUBLICATIONS

- Co-author, "Navigating the Shoals of Alienage Jurisdiction," *New York Law Journal*, July 13, 2001
- Co-author, "Navigating the Colorado River Abstention Doctrine," *New York Law Journal*, Oct. 30, 2000

SPEAKING ENGAGEMENTS

- Presented Lecture – Avoiding Pitfalls in Real Estate Private Equity Negotiations – July 11, 2024
- Presented Lecture – Stressed and Distressed Real Estate – February 7, 2024
- Presented Lecture – Betterment Defense in Construction Disputes – Sept. 9, 2023
- Presented Lecture – Indemnities and Risk Management Issues in Real Estate – February 15, 2023
- Presented Lecture – That's All You Get: Limitations of Liability – February 2023
- Presented Lecture – What's Trending in Lending - Avoiding Lender Liability – February 2019
- Presented Lecture – Payment Subordination in Intercreditor Agreements – 2019
- Visiting Lecturer, Brooklyn Law School – Managing Your Professional Reputation as an Associate – 2018
- Presented Lecture – Real Estate Lenders Beware – Avoiding Lender Liability – October 10, 2017
- Presented Lecture – When Good Loans Go Bad – June 24, 2017
- Presented Lecture on Letters of Intent: Avoiding Future Litigation – January 27, 2017

RELATED INSIGHTS

News

Jul 25, 2024

Recent Pro Bono Victory: Tibetan Monk Granted Asylum in the United States

Events

Jul 16, 2024

Avoiding Pitfalls in Private Equity Negotiations

Webinars

Jun 24, 2024

Letters of Intent: Avoiding Future Litigation

Insights

May 21, 2020

U.S. COVID-19: New York state's temporary commercial foreclosure ban is inapplicable to proposed sales of collateralized assets governed by the UCC.