



## David L. Berkey

Partner

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For more than thirty years, Mr. Berkey has been a trusted advisor to numerous cooperative and condominium boards, banks, insurance companies and individuals. Mr. Berkey counsels his loyal clients regarding all issues pertaining to co-op and condo law, prepares their various contracts, handles their transactions and litigates their claims.

### Primary Practice Areas

Cooperative and Condominium Law  
Real Estate Law  
Litigation  
Crisis Management

### EDUCATION

#### **Cornell Law School, Ithaca, New York, 1975**

Editor, Cornell International Law Journal

Honors: With Honors

#### **New York University, University Heights, Bronx, New York 1972**

Honors: With Honors, Perstare et Praestare, Tau Beta Pi  
University Senator, Editor-in-Chief of Violet Yearbook

Major: Industrial Engineering

Mr. Berkey has been a featured panelist at Habitat Magazine and a speaker at seminars sponsored by the City Bar Association, New York State Bar Association, New York County Lawyers Association, Practising Law Institute, Council of New York Cooperatives & Condominiums, Inc. and the Community Associations Institute, among others. He has presented, written and advised on countless issues critical to co-ops and condos including fiduciary duties and responsibilities of board members and managing agents, the rights of minority shareholders, workouts and sponsor defaults, the purchase and sale of cooperative apartments and condominium units and current developments in co-op and condo law. A seasoned litigator, Mr. Berkey has served as a faculty member of Cardozo Law School's Intensive Trial Advocacy Program for more than thirty years.

### Published Works

*New York Practice Guide, Real Estate, Condominiums, Cooperatives and Homeowners Associations*, Matthew Bender & Co., Inc., 1988.

### ADMISSIONS

New York, 1976

U.S. District Court, Southern District of New York, 1976

### Professional Associations and Memberships

- New York State Bar Association – Chairman, Real Property Law Section, 2014-2015
- New York State Bar Association – First and Second Vice-Chairman, Real Property Law Section, 2012-2014

U.S. District Court, Eastern District of  
New York, 1976

U.S. Court of Appeals, 2nd Circuit,  
1982

U.S. Supreme Court, 1986

- New York State Bar Association – Secretary, Real Property Law Section, 2011-2012
- New York State Bar Association – Co-Chairman, Committee on Membership, 2007-2011
- New York State Bar Association – Co-Chairman, Committee on Condominiums and Cooperatives, 2000-2007
- New York State Bar Association – Secretary, Committee on Condominiums and Cooperatives, 1996-2000
- Association of the Bar of the City of New York – Member, Committee on Condominium and Cooperative Law, 1994-1995
- Association of the Bar of the City of New York – Chairman, Subcommittee on the Effects of Bankruptcy on Cooperatives & Condominiums, 1994-1995
- Adjunct Faculty – Cardozo Law School, Intensive Trial Advocacy Program, 1985-Present

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## RECOGNITION

Selected as a “Super Lawyer” from 2007 through 2016. This is an honor given to fewer than five percent of the state’s most respected attorneys.



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Attorney Advertising. Prior results do not guarantee a similar outcome.



# Jonathan H. Canter

Partner

New York

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Jonathan H. Canter represents leading developers, lenders, borrowers and investors in a full range of real estate matters, with a particular focus on condominium, cooperative and shared-ownership projects. Jonathan advises on the planning, development, structuring and implementation of sophisticated ownership, operation and management regimes, as well as on the legal, regulatory and business aspects of the registration, marketing and sale of luxury and mixed-use condominiums in public and nonpublic offerings. He brings his prior experience as a litigator to his real estate work, shaping transactions to help his

clients avoid lawsuits and providing strategic counseling when disputes do occur.

Described by *Legal 500 US* as “the lead on all things condo,” Jonathan represents a roster of New York’s most prominent real estate players in connection with some of the highest-profile projects in recent years. As counsel to The Related Companies and Vornado Realty Trust in the \$1.6 billion redevelopment of the James A. Farley Post Office Building into the new Moynihan Station across from New York’s Penn Station, his work has involved structuring a complex condominium regime that facilitates the separate ownership or net lease by each participant of its portion of the project, which includes a state-of-the-art train hall, a new 255,000-square-foot hub for Amtrak and the Long Island Rail Road, a modified U.S. Post Office facility, 450,000 square feet of office space, and more than 135,000 square feet of retail.

Jonathan continues to play a key role in the development of Hudson Yards by Related/Oxford. When completed, the 28-acre, \$18 billion project in midtown Manhattan will contain over 18 million square feet of commercial and residential space. Jonathan’s work on the project to date involves creating a projectwide ownership association and management regime to govern all the individual development parcels on the site, as well as implementing distinct condominium structures for each of the project’s individual buildings, including 30 Hudson Yards, a 2.6 million-square-foot tower that will serve as Time Warner’s new world headquarters and includes a 1 million-square-foot retail complex.

In the past several years, Jonathan has facilitated the

registration, marketing and sale in excess of \$25 billion of luxury condominium offerings in New York City, including, among many other marquee developments, 15 and 35 Hudson Yards, Central Park Tower, 432 Park Ave., Waterline Square, 108 Leonard St., 111 Murray Street, 70 Vestry, 56 Leonard St., 30 Park Place Four Seasons Residences, The Carlton House, One Riverside Park, One West End Avenue, The Mark Hotel and the redevelopment of the iconic Plaza Hotel into luxury residences, for-sale hotel suites and world-class retail.

In addition to lauding him as “exceptional” and “brilliant,” *Legal 500 US* has repeatedly ranked Jonathan as a leading real estate attorney. He is also credited as a leading lawyer by *Chambers USA* and has received numerous other honors, including recognition by *Law360*, which named him a Legal MVP in Real Estate in 2012. *Best Lawyers in America* described him as “very creative, innovative, and a problem solver.” The *Commercial Observer* recognized Jonathan for his work on the Moynihan Station and Hudson Yards projects in “Power of Attorneys: The Lawyers Who Shape Everything in the World of Real Estate” (2017), highlighting some of the most prominent real estate attorneys in New York City. The *Real Estate Forum* featured his work for Hudson Yards in “Dealmakers: Deals of the Year 2015.”

## Experience

- James A. Farley Post Office Building/Moynihan Station (Vornado/Related)
- Hudson Yards (Related/Oxford)
- 432 Park Ave. (CIM and Harry Macklowe)
- 56 Leonard Street (Alexico/Goldman Sachs/Dune Capital)

- 30 Park Place Four Seasons Private Residences New York Downtown (Silverstein Properties)
- 150 Charles St. and 10 Madison Square West (The Witkoff Group)
- Time Warner Center (Related/Apollo)
- The Carlton House, One Riverside Park, Central Park Tower and One Manhattan Square (Extell Development)
- 520 West 28th St. and One Madison Park (Related Companies)
- 33 East 74th St., The Whitney Museum Townhouses (Greenfield)
- The Chatsworth, 88 Lexington, 90 Lexington, The Astor and The Metro (HFZ Capital)
- 140 West St. (Magnum)
- 215 Chrystie St. (Witkoff /Ian Schrager)
- 400 Park Ave. South (Toll Brothers)
- Flushing Town Center (Onex Real Estate)
- One West End Avenue (El Ad/Silverstein Properties)
- The Beekman (GFI Capital)
- 234 East 23rd St., The Seymour and 206 West 77th St. (Naftali Group)

## Credentials

### Education

- J.D., New York University School of Law, 1990
  - Senior Staff Editor, *New York University Law Review*
- B.A., magna cum laude, Queens College of the City University of New York, 1987

### Bar Admissions

- New York, 1991

## Court Admissions

- U.S. Supreme Court
- U.S.D.C., Eastern District of New York
- U.S.D.C., Southern District of New York

## Professional Affiliations

- *Law360* Real Estate Editorial Advisory Board, Member, 2018
- New York State Bar Association, Member, Real Property Law Section, Committee on Condominiums and Cooperatives, 2004 – present
- New York City Bar Association, Committee on Cooperative and Condominium Law and Offering Plan Subcommittee, 2004 – 2008

## FOCUS AREAS

[Real Estate](#)

[Condominiums](#)

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## Perspectives


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## **Dale J. Degenshein**

Special Counsel

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 212-806-6006

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### **Offices**

New York

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### **Services**

Real Estate

Cooperatives and Condominiums

Real Estate Litigation

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Dale Degenshein has over 25 years of experience in cooperative and condominium matters. She has represented and advised more than 100 cooperatives, condominiums, homeowners' associations, and developers on a range of issues. Ms. Degenshein counsels in the areas of breach of fiduciary duty; preparation, review and interpretation of governing documents; housing discrimination, reasonable accommodations for disabilities; claims involving apartment owners, developers, boards and individual board members; and transactions.

Prior to joining Stroock in 2007, Ms. Degenshein was a founding partner of the law firm Cantor, Epstein & Degenshein LLP, where she had represented cooperatives and condominiums since 1995.

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### **Honors & Awards**



Ms. Degenshein has been recognized by *Super Lawyers* for her work in real estate: business.

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## Memberships

- Member, New York City Bar Association
    - Member, Cooperative and Condominium Law Committee, 1998-2004; 2005-2009; 2010-present
    - Chair, Cooperative and Condominium Law Committee, 2001–2004
    - Secretary, Cooperative and Condominium Law Committee, 1998-2001; 2010-present
  - Member, Real Property Section, New York State Bar Association
    - Member, Committee on Cooperatives and Condominiums
    - Co-Chair, 2015-present
  - Member, Women's Bar Association, 2000-2008
    - Member, Committee on the Judiciary, 2006-2007
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## Speeches & Events

Ms. Degenshein is a frequent speaker at legal seminars. They include:

- Speaker, "Committee on Cooperatives and Condominiums: Alteration Agreements," New York State Bar Association 2017 Annual Meeting, January 26, 2017
- Speaker, "Cooperatives and Condominiums," New York State Judicial Institute, February 4, 2016
- Faculty and Lecturer, annual "Hot Topics Affecting Cooperatives and Condominiums," New York City Bar Association, 2003–present
- Speaker, "Condominium Law for the New Attorney," Council on New York Cooperatives and Condominiums, 2007-2013
- Speaker, "Role of the Cooperative and Condo Board: Business Judgment Rule," Department of Housing & Urban Development, New York State Division of Human Rights Fair Housing Assistance Program, May 2012, April 2010
- Speaker, "Ethics for Real Estate Lawyers," New York State Bar Association, October/November 2010
- Speaker, "Sponsor Issues: Private Actions; Construction Defects," New York City Bar Association, October 2009
- Speaker, "Board Governance," New York City Bar Association, April 2009/April 2010

- Speaker, "Boards and Apartment Owners," New York State Bar Association, January 2009
  - Speaker, "Cooperative Basics - New York State," Maine State Bar Association, Maine, October 2008
  - Speaker, "New Construction Condominiums," New York City Bar Association, 2008
  - Speaker, "Cooperative and Condominium Law, 2008; Recent Legislation and Decisions," New York State Judicial Institute, 2008
  - Speaker, "Reasonable Accommodation Requests from Persons with Disabilities in Coops and Condos: Practical Considerations," New York City Bar Association, 2007
  - Speaker, "Cooperatives and Condominiums: Governing Legal Principles and Recent Developments," New York State Judicial Institute, June-July 2007
  - Speaker, "Fair Housing Training for Real Estate Brokers," Brown, Harris, Stevens, LLC, 2007
  - Speaker, "Principles In Residential Cooperative Law – Housing Court," New York City Civil Court, Housing Part, April 2007
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## Publications

Selected articles include:

- Contributor, "Do Talking Head 'Experts' Have Special Ethical Responsibilities?" *New York Law Journal*, June 11, 2018
- Author, "Neighbor v. Neighbor," *Habitat*, May 2018
- Author, "The Son Also Inherits," *Habitat*, April 2018
- Author, "Fine Time," *Habitat*, March 2018
- Co-author, "House Rules – What Boards Can (and Can't) Do," *Habitat*, February 2018
- Co-author, "The Roof Rights Reversal," *Habitat*, January 2018
- Co-author, "Altered States," *Habitat*, December 2017
- Author, "Condominium Declaration: When Repairing the Common Elements...Require Extra Agreements and Protection," *Habitat*, November 2017
- Co-author, "Death and Liability," *Habitat*, June 2017
- Contributor, "Broken Scales: Reflections on Injustice," *ABA Book Publishing*, May 10, 2017

- Contributor, "The Ethics of 'Holding Out' on Your Client," *New York Law Journal*, April 6, 2017
- Contributor, "When Lawyers and Judges Criticize Jury Verdicts," *New York Law Journal*, February 10, 2017
- Co-author, "The Seesaw World of Condo Foreclosures," *Habitat*, September 2016
- Co-author, "Can a Purchaser Lie with Impunity?" *Habitat*, June 2016
- Co-author, "Who's on the Hook for Attorneys' Fees?" *Habitat*, April 2016
- Co-author, "The Board and the 'Over Board,'" *Habitat*, March 2016
- Co-author, "Was it the Price? Or Were They Not Nice?" *Habitat*, February 2016
- Co-author, "An Unhealthy Health Club Agreement," *Habitat*, January 2016
- Co-author, "I Heard the News Today, Oh Boy," *Habitat*, December 2015
- Co-author, "Protecting Co-op Indemnification Rights," *Stroock Special Bulletin*, November 11, 2015
- "How to Deal with Rogue Board Members," *Habitat*, November 2015
- Co-author, "Whose Terrace Is It, Anyway?" *Habitat*, October 2015
- Co-author, "Going, Going – Not So Fast," *Habitat*, September 2015
- Co-author, "When the Co-op Interferes in a Sale," *Habitat*, July/August 2015
- Co-author, "Election Season," *Habitat*, June 2015
- Co-author, "Do Your Rules Really Exist?" *Habitat*, May 2015
- Co-author, "The Long and the Short of It," *Habitat*, April 2015
- Co-author, "The Battle for the Extra Rooms," *Habitat*, March 2015
- Co-author, "The Dog in the Night-time," *Habitat*, February 2015
- Co-author, "When a Board Must be 'Reasonable,'" *Habitat*, January 2015
- Co-author, "Has the Board Actually Acted?" *Habitat*, December 2014
- Co-author, "Co-op Non-Payments: What Proof Do You Need?" *Habitat*, October 2014
- Co-author, "Has the Board Actually Acted?" *Habitat*, September 2014
- Co-author, "A Judgment Grows in Brooklyn," *Habitat*, July/August 2014

- Co-author, "Objectionable Conduct – Again," *Habitat*, June 2014
  - Co-author, "Right of First Refusal With a Twist," *Habitat*, May 2014
  - Co-author, "Gaining Access to an Apartment," *The Mann Report*, May 2014
  - Co-author, "When a Transfer Is Not a Transfer," *Habitat*, March 2014
  - "The Documents Often Overlooked," *Law.com*, March 5, 2014
  - Co-author, "Bamboo Invasion," *Habitat*, February 2014
  - Co-author, "Hell on Wheels," *Habitat*, January 2014
  - Co-author, "Making Repairs, Reducing Apartment Size," *Habitat*, December 2013
  - Co-author, "It Started With a Lonely Cat," *Habitat*, September 2013
  - Co-author, "The Commercial Sublet Fee Quagmire," *Habitat*, July/August 2013
  - "Communication and Interaction," *Mann Report Management*, June/July 2013
  - Co-author, "Viewing Documents," *Habitat*, June 2013
  - "The Importance of Documents," *Mann Report Management*, May 2013
  - Co-author, "Reasonable Is as Reasonable Does," *Habitat*, May 2013
  - "...But Is It Reasonable?" *Mann Report Management*, April 2013
  - Co-author, "Sponsor and Architect Liability," *Habitat*, March 2013
  - Co-author, "Smoke Odors in a Co-op," *Habitat*, February 2013
  - Co-author, "Recovery Rights Waived -- by the Insurer," *Habitat*, January 2013
  - Co-author, "The Cost of Alteration Agreements," *Habitat*, December 2012
  - Co-author, "If the Majority Doesn't Rule," *Habitat*, November 2012
  - Co-author, "Case Notes - New Liability Ruling: How Does it Affect Boards?" *Habitat*, September 2012
  - "Apartment Owner Loans," *Mann Report Management*, September 2012
  - Co-author, "Sublet Restrictions," *Habitat*, July/August 2012
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## **Admitted To Practice**

New York, 1985

U.S. District Court, Southern District of New York, 1987; U.S. District Court, Eastern District of New York, 1987

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## **Education**

J.D., Brooklyn Law School, 1984

B.A., Hofstra University, 1981

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## **JACKIE DISCHELL, ESQ.**

### Biography

Jackie Dischell joined the New York State Attorney General's Office in January 2011. She has served as the Review Section Chief in the Real Estate Finance Bureau since June 2017. Prior to that, Jackie served as an Assistant Attorney General in the Real Estate Finance Bureau and the Executive Division.

Before joining the New York State Attorney General's Office, Jackie worked on Eric T. Schneiderman's campaign for Attorney General and was a legislative fellow on Capitol Hill. Jackie is a graduate of New York University and the University of Pennsylvania Law School.

Adam D. Finkelstein  
Partner  
Kagan Lubic Lepper Finkelstein & Gold, LLP



Practice Groups:  
[Cooperative and Condominium Law](#)  
[Real Estate](#)  
[Mitchell-Lama/HDFC Housing Law](#)

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Adam joined the firm as a partner in 2004. He oversees much of the firm's Cooperative and Condominium Servicing and Real Estate Departments. He is regularly involved as general counsel advising clients in dealing with their general governance issues as well as in the drafting and negotiation of a wide array of contracts, leases and mortgage loan documents ranging in subject matter from residential purchase and sale agreements to telecommunication and cable agreements as well as commercial leasing and mortgage loan documents.

### **Education**

New York Law School (J.D, 1994, *cum laude*)

Articles Editor, New York Law Journal of Human Rights  
State University of New York at Albany (B.A., 1990)

### **Bar Admissions**

New York (1995)  
New Jersey (1994)

### **Activities and Affiliations**

New York State Bar Association  
Real Property Law Section  
The Association of the Bar of the City of New York  
Real Property Law Committee  
New York County Lawyers' Association

### **Contributor**

*Habitat* Magazine  
*The Cooperator* publications

**Lecturer**

Federation of New York Housing Cooperatives & Condominiums

*The Cooperator*



# **MONIQUE L. HARDING**

## Biography

Monique L. Harding has been the Director of Records Management for the Real Estate Finance Bureau since September 2013. She supervises the eight staff that make up the Record Room. Her staff processes an average of 300 offering plan and 4,000 amendment submissions and acceptances per year. In addition, Monique has oversight of the majority of filings to the bureau, including syndications, exemptions, no action letters, cooperative policy statements, terminations, abandonment of plan offerings, and broker dealer registrations. Monique serves as a subject matter expert on the Agency's joint application development team to design an Agency-wide case management system. Monique plays an integral role in the project management team that will create an electronic filing system for the Real Estate Finance Bureau.

Monique earned a B.A. from the George Washington University, with a major in political science and journalism; a Master's degree in Library Science from St. John's University, with a concentration in Special Libraries; and an MBA from Iona College, with a concentration in Information Systems and certificate in Project Management.

## **Lynn E. Judell**

Schwartz Sladkus Reich Greenberg Atlas LLP  
Of Counsel  
Litigation

### **Contact**

**212-743-7110**

[ljudell@srrga.com](mailto:ljudell@srrga.com)

### **Education**

**B.A. | Pomona College (1980)**

**J.D. | University of San Francisco School of Law (1984)**

Ms. Judell focuses her practice in the area of commercial litigation and arbitration. She has over three decades of experience representing public and private companies, partnerships and individuals in business disputes and litigation, including contract disputes, partnership disputes, employment matters (including employment discrimination claims, internal investigations, restrictive covenants and employee sales commission claims) and receivership. Ms. Judell is admitted in the state and federal courts in New York and California, and in the Second Circuit Court of Appeals. Ms. Judell received her J.D. from the University of San Francisco School of Law and her B.A. from Pomona College. She has lectured for Lawline.com on "The Impact of Employee Resignation or Termination on Entitlement to Commissions under New York Law." Ms. Judell is the author of the New York section of the Guide to Receivership and Foreclosure published by Trigild, Inc. in October 2008.

### **Awards & Distinctions**

- Rated AV Preeminent last 19 years
- Nick & Terri Letica Award for Outstanding Service to Brooklyn Bar Association Volunteer Lawyers Project, Inc.

### **Bar & Court Admissions**

- California
- New York

### **Professional Affiliations**

- Board of Directors Brooklyn Bar Association Volunteer Lawyers Project, Inc.
- Board of Directors National Council of Jewish Women, New York

## **BRENT MELTZER, ESQ.**

### Biography

Brent Meltzer became the Bureau Chief of the Real Estate Finance Bureau of the New York State Attorney General's Office on August 1, 2016. Prior to being named Bureau Chief, Brent worked at the New York City Department of Housing Preservation and Development (HPD) for 1 ½ years as the Assistant Commissioner for Community Partnerships. As Assistant Commissioner, Brent created a new division within HPD to tackle the strategic preservation of affordable housing in New York City and assist in effectuating the Mayor's Housing Plan.

Before entering government, Brent was the Co-Director of the Housing Unit at South Brooklyn Legal Services where he managed the 14 attorneys representing low income tenants in Housing Court. Brent also was a staff attorney in the Housing Unit and began his career in Legal Services in the HIV unit. Brent graduated *cum laude* from New York University School of Law.

## **Steven D. Sladkus**

Steven D. Sladkus is a founding partner of the firm. He zealously represents clients in all facets of real estate-related litigation including on behalf of cooperatives and condominiums. He also regularly handles a wide variety of construction and general commercial and corporate-law cases as well as the defense of discrimination claims, including those against cooperative and condominium boards.

Mr. Sladkus also provides general counseling to the boards of the firm's cooperative and condominium clients and also lectures on many of these topics.

His reported cases include *Constantiner v. Sovereign Apartments, Inc., et al.*, granting a protective order prohibiting destructive testing and creating artificial conditions for sound testing in connection with a noise dispute in a cooperative; *Weinreb v. 37 Apartments Corp.*, dismissing shareholders' cause of action for permanent injunction against directors of residential cooperative corporation where only substantive claim against them had previously been dismissed; *61 W. 62 Owner's Corp. v. CGM EMP LLC*, granting injunction in favor of residential cooperative corporation against nearby bar from causing noise nuisance; *Peacock v. Herald Square Loft Corp.*, dismissing shareholders' claim for breach of fiduciary duty against board members in their individual capacities; *Raimondi v. Board of Managers of Olympic Tower Condominium*, granting summary judgement to condominium holding that an agreement between the board and a purchaser as a condition for waiving the board's right of first refusal was enforceable; *Teitelbaum v. Mordowitz*, granting summary judgement on personal guaranty for real estate loan; *Terk v. 40059 Owners Corp.*, reversing summary judgement against cooperative where question existed whether tenant waived proprietary lease notice requirement for cooperative's repairs; *Equal Employment Opportunity Commission v. Barney Skanska Construction Company*, granting summary judgement to defendant construction company dismissing plaintiff's claim that defendant was liable for discrimination as a successor-in-interest of company purchases by defendant; and *178 East 80th Street Owners, Inc. v. Jenkins*, denial of defendant's motion to vacate the parties' freely negotiated settlement agreement.

Mr. Sladkus serves as an arbitrator in the Civil Court of the City of New York, is a member of the Cooperative and Condominium Committee of the Association of the Bar of the City of New York and is the co-chairman of the Cooperative and Condominium Committee of the Real Property Law Section of the New York State Bar Association. He has also been selected to Super Lawyers from 2010 to 2016.

Mr. Sladkus has also been featured in articles concerning cooperatives and condominiums and real estate-related matters in The New York Times, The New York Post, Crain's, The Daily News, The Real Deal, Habitat Magazine and the Cooperator and is regularly called upon to contribute to The New York Times Real Estate Section's Q & A.

He is admitted to practice law in New York and New Jersey and before the United States District Courts in the Southern and Eastern Districts of New York, District of New Jersey and the U.S. Court of Appeals, Second Circuit.

Mr. Sladkus graduated from Brandeis University (B.A. 1991) and from Brooklyn Law School (J.D. 1994). He received a LL.M. (Masters of Laws) in Taxation degree from New York University School of Law (1995).

Mr. Sladkus is on the Ambassador Board of ConnectOne Bank and is a former member of the Board of Directors of Make-A-Wish Metro New York and Western New York.