



JASPAN SCHLESINGER LLP WINS DISMISSAL OF LAWSUIT ON BEHALF OF PROMINENT NEW YORK REAL ESTATE DEVELOPER

Garden City, NY – January 13, 2022 – Last week, prominent real estate mogul and long-time Jaspan Schlesinger LLP client Allan Rose of AVR Realty won the dismissal of a lawsuit brought against him by local developer Wilbur Breslin. The lawsuit concerned “The Boulevard,” a planned community project involving over 300 acres in Yaphank, New York, and was rejected by the court based upon a summary judgment motion filed by Jaspan Schlesinger LLP partners [Steven R. Schlesinger](#) and [Daniel E. Shapiro](#).

In the lawsuit, Breslin alleged that Rose breached an agreement between them concerning the venture. Breslin claimed that he was deprived of tax losses that he would have benefitted from if Rose had allocated them on a parcel by parcel basis instead of consolidating the project’s financials. In seeking dismissal of the case, Jaspan Schlesinger LLP argued that Rose had the authority to consolidate the project’s financials because he was the project’s exclusive manager and that, in any event, Breslin was not entitled to claim tax losses because certain loans that Rose made to the project had yet to be satisfied. Justice Timothy Driscoll of the Supreme Court, Nassau County, looked to the parties’ conduct over the 20-year history of the project and determined that Rose had made many decisions that put Breslin on notice of the fact that the project’s financials were consolidated. Thus, the court held that Breslin’s claims were barred on statute of limitations grounds and dismissed the case.

A copy of the full decision is available [here](#).

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