

Joshua H. Epstein

Partner

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Areas of Focus

Litigation + Dispute Resolution | Commercial
Litigation | Real Estate Litigation and Disputes

“I love what I do. I litigate aggressively and with passion. If there is a way to win, I’ll find it.”

Overview

Commercial litigation lawyer Josh Epstein represents hedge funds, strategic investors, private equity funds, marketing communications firms, lenders, financial institutions and high net worth families in high-stakes cases.

Experienced, effective, smart and aggressive, Josh is called on to handle complicated commercial real estate, investment and securities disputes, contentious trusts and estates matters, business “divorces,” and other difficult cases. He has achieved impressive victories in federal and state courts, in arbitration, and at the negotiating table.

Josh thrives on developing and delivering cutting-edge, compelling legal arguments that other lawyers have overlooked and is well known for his clear, strategic counsel.

As former general counsel to one of New York’s leading real estate developers, Josh brings business insight and firsthand experience in handling disputes involving business partners, real estate and financial investments.

Representative Experience

- Represented a bondholder in litigation against the Government of Venezuela regarding sovereign bond default.

- Represented a national clothing retailer in over a dozen NY lease litigations involving evolving legal issues related to the COVID-19 pandemic. Obtained favorable decisions from multiple New York courts in contrast to the losses suffered by other retailers in similar cases.
- Defeated a motion for preliminary injunction against a national fast food chain in a dispute with its landlord at a mall in NY. The client had terminated its lease due to co-tenancy violations and the landlord sought a preliminary injunction barring the termination. We defeated the motion, the client left the mall and the case settled on favorable terms.
- Represented a security services company in breach of contract actions against former clients in NY and CA.
- Prevailed in a multimillion dollar arbitration for a high-fashion retail apparel company against its landlord after the landlord unreasonably withheld consent to a dignified first-class prospective retail subtenant. Case not only clarified the real estate industry term "first class" as an operational standard (as opposed to price point), but also allowed our client to sublease space that had been empty for several years.
- Represent a Belgian businessman in an action to recover nearly \$3 million in defaulted bonds from the Republic of Argentina. Required a deep understanding of class action litigation and federal court practice.

Insights + Events

Press Mention

Law360 | The Gap's Bid to End NYC Lease Over Virus Faces Skepticism
June 3, 2021

Press Mention

Law360 | MB Financial Seeks Toss of \$400M False Claims Act Suit
December 16, 2020

Alert

Recent Cases Highlight "Digital Assets" As A New Frontier in Estate Planning and Litigation
May 1, 2018

Credentials

Education

New York University School of Law (J.D., 1988)

- Moot Court Award for Outstanding Advocacy

Amherst College (B.A., *magna cum laude*, 1984)

- John Woodruff Simpson Fellowship in Law

Distinctions

- *New York Metro Super Lawyers*® 2012-2023, Business Litigation

Bar Admissions

New York

Court Admissions

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