

## Condemnation Law: Serrone et al. vs. City of New York

**May 28, 2015**

In a significant victory for the City of New York, represented by Carter Ledyard, the Appellate Division, Second Department affirmed the grant of partial summary judgment dismissing approximately \$600,000 of a \$1.1 million claim for legal fees and expenses relating to challenges to the City's Willets Point project. Those challenges took the form of an Article 78 proceeding in New York Supreme Court, largely dealing with environmental matters, and an Eminent Domain Procedure Law challenge to the City's Determination and Findings authorizing the taking of certain property in Willets Point by condemnation. Those challenges were either dismissed or voluntarily discontinued.

In a case of first impression, the City was granted partial summary judgment dismissing the portion of the claim seeking fees and expenses incurred prior to the public hearing held to consider use of the eminent domain power. Those fees and expenses related primarily to the Article 78 proceeding. The remainder of the claim is being disputed by the City.

The City was represented by John R. Casolaro, Lee A. Ohliger, and Andriy R. Pazuniak.

### related professionals

**John R. Casolaro** / Partner

D 212-238-8736

[casolaro@clm.com](mailto:casolaro@clm.com)

**Lee A. Ohliger** / Counsel

D 212-238-8716

[ohliger@clm.com](mailto:ohliger@clm.com)

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