



Brian J. Markowitz

Brian J Markowitz's practice areas include construction disputes, construction contract drafting and negotiation, and real estate and commercial litigation.

Brian has comprehensively represented a wide variety of clients including property owners, developers, construction managers, general contractor and design professionals from case inception through trial, including alternative dispute resolution and appeals. Brian brings vast experience in resolving legal issues ranging from lien law trust fund claims, adjacent landlord issues and coop/condo disputes to mechanic's lien foreclosures, general contractor agreements, license agreement, delay claims, extra work disputes, construction defect claims, defaults and more to Goldstein Hall's clients.

Brian graduated with a law degree from Brooklyn Law School, where he was also the President of Phi Delta Phi. Additionally, he received a Certificate of Environmental Studies at Nottingham Trent University, and a Bachelor of Arts in Political Science from the State University of New York College at Oneonta. Brian is a member of the American Bar Association and Phi Delta Phi the International Legal Honor Society. He was selected as a "Rising Star" in the area of Construction Law from 2011-2013 by Super Lawyers Magazine. In 2018, he was recognized by Martindale-Hubbell with a Peer Review Rating. He was given an "AV" rating from his peers, which means that he was deemed to have very high professional ethics and preeminent legal ability.

Partner

New York City

bmarkowitz@goldsteinhall.com

646.768.4127

Expertise

Construction Disputes

Construction Contract Drafting
and Negotiation

Commercial Litigation

Real Estate Litigation

Complex Commercial Litigation

Low-income Housing Tax Credit
(LIHTC) Disputes

Bar Admissions

The State of New York

The State of New Jersey

United States District Court, Southern District of New York, 2003

United States District Court, Eastern District of New York, 2003

United States District Court, District of New Jersey, December 2001

United States Court of Appeals for the Second Circuit, 2018

Education

Brooklyn Law School, JD, 2001

State University of New York, College at Oneonta, BA Political Science, 1995

Community Support

New Jersey Chapter of the Leukemia and Lymphoma Society, Volunteer

Memberships

American Bar Association

Phi Delta Phi the International Legal Honor Society

Legal Presentations

Speaker, ANHD Training Series: Year 15 Repositioning and Restructuring Low Income Housing Tax Credit Projects: Options, Alternatives and Considerations for Non-Profits, September 2019

"What are Mechanic's Liens and Why do They Matter for your Project", Worldwide Land Transfer Netucation Series, May, 2015 – Present

Publications

Drafter of New York Lien Law §44-B Necessary parties; lien against public or private improvement (Added L.2004, c. 168, § 1, eff. July 20, 2004.)

Co-Author Markowitz B. and Wojak J. "Claims for Architect's Failure to Achieve Specific Contractual Results Limited to Three-Year Malpractice Period." New York Real Estate Journal, September 2005.

Markowitz B and Chartan M. "Avoiding Sanctions over Duty to Preserve Evidence," New York Law Journal, April 8, 2010

Awards

Super Lawyers Rising Star in Construction Law, 2011, 2012 and 2013

American Bankruptcy Institute Medal for Excellence, 2001

Reported Cases

230 Park Avenue Holdco v. Kurzman Karelsen + Frank LLP, 124 A.D. 3d 477, 2N.Y.S.3d 433 (1st Dep't 2015) Aff'd as modified 27N.Y.2d 1109, 35 N.Y.S.3d 683 (2016) (landlord has no duty to mitigate its damages where a commercial tenant vacates and surrenders its lease)

Treeline 990 Stewart Partners, LLC v. RAIT Atria, LLC, 107 A.D.3d 788, 967 N.Y.S.2d 119 (2d Dep't 2013) (Holding that fraud and negligent misrepresentation causes of action cannot be maintained when the only facts asserted relate to a breach of contract claim which is also alleged.)

Matell Contr. Co., Inc. v. Fleetwood Park Dev., LLC, 111 A.D.3d 681, 974 N.Y.S.2d 573 (2d Dep't 2013) (Defended real estate developer against a mechanic's lien foreclosure proceeding commenced by tenant's contractor. Successfully argued that developer did not consent to the employment of the contractor on the project and therefore the lien was not valid. Court also held that the lien was not timely filed pursuant to the New York Lien Law.)

Kaygreen Realty Co. v. IG Second Generation Partners, L.P., 68 A.D.3d 933, 893 N.Y.S.2d 76 (2d Dep't 2009) (Appellate decision upholding trial court decision that tenant had not violated certain provisions of a commercial lease and that enjoined landlord from taking any steps to evict tenant.)

Spectrum Painting Contrs., Inc. v. Kreisler Borg Florman Gen. Constr. Co., Inc., 64 A.D.3d 565, 883 N.Y.S.2d 262, (2d Dep't 2009) (Upholding denial of owner's summary judgment motion and granting defendant contractor's summary judgment motion arising out of construction of long term care facility. Successfully argued that owner wrongfully refused to sign change orders, improperly charged extra work to project contingency, and that owner's oral directions to perform work did not violate the express terms of the contract.)

Matter of TC Contr., Inc. v. 72-02 N. Blvd. Realty Corp., 39 A.D.3d 762, 833 N.Y.S.2d 622 (2d Dep't 2007) (Upholding arbitration award in favor of contractor arising out of the excavation and foundation of residential construction project.)

Samuels v. Fradkoff, 38 A.D.3d 208, 832 N.Y.S.2d 499 (1st Dep't 2007) (Represented architect in claims by homeowner of fraud, negligent misrepresentation and negligence.)

Perini Corp. v. WDF, Inc., 33 A.D.3d 605, 822 N.Y.S.2d 295 (2d Dep't 2006) (Represented mechanical subcontractor in connection with a breach of contract claim arising out of the construction of a MTA bus depot.)

C/S Window Installers, Inc. v. N.Y. City Dep't of Design & Constr., 304 A.D.2d 380, 758 N.Y.S.2d 38 (1st Dep't 2003) (Represented City of New York in Article 78 Proceeding. Court upheld agency's directive to prime contractor to reject subcontractor's bid proposal on the grounds that subcontractor was not a responsible bidder.)