



**Jack Malley, Partner**

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Jack Malley is a member of the firm's commercial litigation and real estate departments. He is admitted to the New York and Connecticut Bars. Mr. Malley concentrates his litigation practice on the representation of clients in complex commercial litigation actions. He has represented real estate companies, banks, title insurance companies, contractors, broker-dealers, consumer product manufacturers and many other types of business entities in federal and state actions, arbitrations and mediations.

Mr. Malley's real estate practice concentrates on commercial leasing and construction contracts.

Mr. Malley has published articles in his field including "When Is a Repair Structural or Nonstructural Under a Commercial Lease?", *New York Real Estate Law Reporter* (Vol. 28, No.2 December 2011); "Yellowstone Injunctions Are Applicable To Residential Leases", *New York Real Estate Law Reporter* (Vol. 27, No. 9 July 2011); "Ruling clarifies rights of residential leases", *Westchester County Business Journal* (May 30, 2011); "The Proposed and Enacted Cheeseburger Bills Limiting Obesity Lawsuits", *LJN's Product Liability Newsletter* (November 2005); and "Punitive Damage Awards: The End of Excess?", *Securities Arbitration Commentator* (October 2003).

A recent notable decision obtained by Mr. Malley was in *Goldcrest Realty Company v. 61 Bronx River Owners, Inc.*, 2011 NY Slip Op 02624, 2011 WL 1206171 (2d Dep't Mar. 29, 2011), where the Appellate Division, Second Department reaffirmed that an application for a Yellowstone injunction must be made prior to the expiration of the subject cure period, as well as before the termination of the lease, and clarified that this rule applies to leases for residential apartments. Also, on an issue of first impression, the Second Department agreed with previous decisions by the First and Third Departments holding that applications for CPLR 6301 injunctions seeking to enjoin a lease termination must also be submitted before the expiration of the subject cure period. Based on these holdings, the Second Department reversed the Supreme Court, Westchester County's order granting the respondent sponsor's application for a Yellowstone injunction, which was submitted 1 day before the lease termination date, but 12 days after the expiration of the cure period set forth in a notice of default issued by Mr. Malley's client, the appellant cooperative corporation.

Mr. Malley holds a B.A. from Providence College, a M.B.A from Fordham University and a J.D. from the University of Dayton.