



David A. Pellegrino

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Areas of Practice

Distressed Debt | Litigation/Trial Law | Real Estate Law

David A. Pellegrino is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP. Mr. Pellegrino was a Partner at Freeborn & Peters, which combined with SGR in 2023.

Mr. Pellegrino is a sought-after commercial litigator whose practice primarily focuses on real estate disputes. For more than two decades, Mr. Pellegrino has represented parties – lenders, borrowers, developers, property owners, managing agents, boards, and brokers – involved in real estate related litigation in state and federal courts. From cases concerning transactions that have gone awry, financing issues, lien priorities, and disagreements between partners and joint venturers, to statutory actions such as foreclosures, partitions, and encroachments, Mr. Pellegrino has handled an extensive variety of real estate litigation, and in so doing has developed an unparalleled skill set.

Several of the matters Mr. Pellegrino has litigated have resulted in notable published opinions, including the leading case on the duration and priority of real estate judgment liens decided by New York's highest court. As further testament to his vast expertise in the area, Mr. Pellegrino co-authored the chapter "Commercial Real Estate Litigation" in the critically acclaimed, multi-volume treatise *Commercial Litigation in New York State Courts*, edited by Robert L. Haig. Likewise, he frequently lectures on real estate litigation issues, and is a member of the Commercial and Federal Litigation section of the New York Bar Association. He was on the committee on the Civil Practice Law and Rules, which governs litigation in New York State Courts.

Mr. Pellegrino earned his B.A. from State University of New York at Stony Brook and his J.D. from St. John's University School of Law.

Continued

Representative Experience

- Guided well known multi-national corporation through its transition to new US headquarters, including vacating 150,000 /ft. of office and extensive additional warehouse space and resolution of dispute over multi-million dollar lease deposit.
- Lead counsel for lender in seven multi-family building foreclosure and lien priority cases that resulted from \$50 million dollar mortgage fraud.
- Represented proportionate owners of real estate in divesting their interests in brownstones, ultra-luxury apartments, and vacant land through partition and declaratory judgment proceedings.
- Obtained federal court reversal in favor of developer in joint venture and mezzanine financing dispute involving what is now famously known as the "paparazzi-proof" celebrity building in Tribeca.
- Litigated and advised foreign investor in connection with dispute over failed transaction involving ultraluxury apartment at well-known New York City hotel.
- Advised hospitality REIT about litigation options and defenses during \$500 million sale of Times Square hotel and issues related to landmarked theatre.
- Defended institutional client with respect to brokers' claims for commission after assignment of building lease.
- Advised and litigated adjoining-building construction issues including negotiation of consensual license agreements and obtaining court relief where parties cannot agree upon terms in what is known as an RPAPL 881 proceeding.
- Represented owners, boards, and sponsors in connection with construction, water intrusion damages, and transactional issues in co-op and condominium buildings.

Admissions

New York

United States District Courts for the Southern, Eastern, Northern and Western Districts of New York

United States District Court for the District of Puerto Rico

United States Bankruptcy Court for the District of Delaware

United States Court of Appeals, 1st, 2nd and 7th Circuits

Memberships

New York State Bar Association (Committee on Federal and Commercial Litigation)

Federal Bar Council

Publications

- Anti-SLAPP Motions in New York's Federal Courts, *New York Law Journal*, November 21, 2013.
- Commercial Real Estate Litigation, Commercial Litigation in *New York State Courts*, updated annually since 2011.