



**Yankwitt LLP News**  
**April 2017**

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**YANKWITT LLP ACHIEVES MAJOR VICTORIES  
FOR ITS NEW YORK AND NEW JERSEY CLIENTS**

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***New York Supreme Court Upholds Fee Award in Favor of Yankwitt  
LLP's Client***

Yankwitt LLP successfully opposed an order to show cause seeking to vacate a default judgment awarding attorneys' fees to Yankwitt LLP's clients. In May 2015, the New York state court granted Yankwitt LLP's motion to dismiss a complaint brought by Plaintiff to stop the multi-million dollar sale by his brother and sister of their father's estate in Rockland, New York. Yankwitt LLP not only prevailed on the Motion to Dismiss, but, based on the strength of its papers, the Court awarded full attorneys' fees to Yankwitt LLP's clients. Notably, the Court concluded that Defendants "have made out a compelling case that Plaintiff is motivated by animus, and that he is willing to sacrifice a reasonable sale price to spite his siblings."

After Plaintiff failed to oppose the proposed judgment, the Court's Order was reduced to a judgment for fees and costs in October 2015. In opposing Plaintiff's motion to vacate, Yankwitt LLP argued that Plaintiff failed to proffer a "reasonable excuse" for his non-response to the proposed judgment. In particular, Yankwitt LLP argued that Plaintiff had plenty of notice concerning the judgment and his later status as a *pro se* litigant was insufficient to support vacatur under New York law. On April 4, 2017, the New York Supreme Court, Rockland County (Thomas E. Walsh, II, J.) agreed and denied Plaintiff's Order to Show Cause to vacate the default judgment and sustained the award, which provided Yankwitt LLP's clients with a full reimbursement of their attorney's fees. The case is *Acker v. Acker Holdings, LLC, et al.*, Index No. 34000/2014.

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***Yankwitt LLP Wins Dismissal of Complaint Against McCormick &  
Schmick's***

Yankwitt LLP successfully moved to dismiss with prejudice a complaint against its client, McCormick & Schmick Restaurant Corp., in a personal injury action brought in New Jersey state court. Plaintiff claimed she suffered injuries when she allegedly slipped and fell on the floor of the McCormick & Schmick's restaurant in Atlantic City. After Plaintiff failed to respond to its discovery requests, Yankwitt LLP moved for dismissal without prejudice pursuant to the New Jersey Rules of Court. That motion was granted on January 6, 2017. Yankwitt LLP thereafter moved to dismiss the complaint with prejudice. In a complete victory for McCormick & Schmick, the New Jersey Superior Court, Atlantic County (Mary C. Siracusa, J.) granted Yankwitt LLP's second motion on March 31, 2017, and dismissed Plaintiff's complaint with prejudice. The case is *Weaver-Cooper v. Harrah's Resort Atlantic City et al.*, Docket No. ATL-L-859-16.

*Yankwitt LLP is an elite trial and litigation firm located in White Plains, New York. Our New York lawyers are prominent members of the Westchester and New York City bars, who utilize their broad experience and expertise to produce exceptional outcomes for our clients. All of our New York partners and senior lawyers are former federal law clerks or prosecutors, or both.*

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