



Gary I. Lerner

Partner

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Gary I. Lerner is a senior counselor in the litigation department at DHC, concentrating in complex commercial litigation. Mr. Lerner has nearly twenty years of experience handling all aspects of cases in federal and state courts in New York and other jurisdictions, as well as arbitrations and mediations involving business divorce, breaches of contract, business torts, professional liability, restrictive covenant, theft of trade secrets, commercial real estate, and other commercial disputes.

Prior to joining the team at Davidoff Hutcher & Citron, Mr. Lerner was a commercial litigator at Cohen Lans LLP, Slotnick Shapiro & Crocker LLP, and Proskauer LLP. He has first-chaired several trials and arbitrations and argued many appeals. Notable reported decisions include a string of cases in which he represented a Manhattan Cooperative and its Board of Directors against a problem tenant. Mr. Lerner successfully defended the building and its individual Board members through multiple levels of appeal by the tenant in two separate actions against claims of breach of contract, breach of fiduciary duty, breach of the warranty of habitability and constructive eviction.

Notable Cases

- Hixon v. 12-14 E. 64th Owners Corp., 107 A.D.3d 546 (1st Dep't 2013)
- 12-14 E. 64th Owners Corp. v. Hixon, 38 Misc. 3d 135(A) (App. Term 1st Dep't 2013)

Publications

- Co-Author (with Deborah E. Lans), *Commercial Litigation in New York State Courts*, Second Edition, ed., Robert L. Haig, Chapter 33 (Jury Selection) (2007)

Practices

Commercial Litigation, Divorce & Family Law

Admissions



- New York
- New Jersey
 - U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Second Circuit

Awards

- The Legal Aid Society 2000 Pro Bono Award – criminal appeals

Education

New York University School of Law, J.D., *cum laude*, 1996

Binghamton University, B.A., political science, *summa cum laude*, 1993