



Jennifer D. Miller

Member

New York

jdmiller@cozen.com | (212) 883-4908

Jennifer represents both sponsor-developers of condominiums (condos) and cooperatives (co-ops), as well as condo, co-op, and community association boards. Additionally, she has represented owners, investors, borrowers, and lenders in commercial and residential real estate transactions, including leasing, licensing agreements, landlord and tenant matters, acquisitions and dispositions, crisis management, and other dispute and resolution matters relating to real estate.

Jennifer also advises debtors, creditors, and condominium/cooperative clients related to distressed and insolvency situations both in and out of court. In addition, she works with a number of governmental agencies including the New York Attorney General's Office, the New York Department of Finance, and other agencies that require governmental approvals to address client needs on a broad range of issues such as subdivisions, no-action letters, the formation of new condominiums, and the creation of tax lots.

In addition to practicing law in private practice, Jennifer served as a law clerk to the Honorable Victor Marrero for the U.S. District Court for the Southern District of New York.

Jennifer earned her bachelor's degree, *summa cum laude* and Phi Beta Kappa, from Tufts University. She earned her law degree, *magna cum laude*, from Benjamin N. Cardozo School of Law. While in law school, she was the notes editor of *Cardozo Law Review*, a member of the Order of the Coif, received the Cardozo Dean's Merit Award, and was a semi-finalist in the Regional ABA Client Competition.

Experience

Secured a cash settlement for a board of managers of a luxury condominium in New York City to resolve construction defect and warranty claims associated with a customized glass curtain wall, where water infiltration and other defects were observed more than ten years after construction was complete. Through our assistance, the board engaged an engineer who determined that the latent defects were due to the improper manufacturing and installation of the window system. With expiring statutes of limitations and limited warranties threatening to leave the board bearing the cost of remediation, we filed suit and persuaded all of the defendants to agree to the settlement. This outcome was a win-win for the board in that it fulfilled its fiduciary duty to unit owners by vigorously pursuing its claims, and the settlement significantly offset the repair costs.

Represented Ocean State Job Lot, owner of 150 major retail outlets and many shopping centers throughout the Northeast and Mid-Atlantic states, in connection with the establishment of the company's first commercial condominium. The complex, multimillion-dollar transaction on Long Island, NY drew on the experience of the firm's real estate, government relations, commercial litigation, and environmental attorneys.

Represented the board of directors of an iconic Manhattan cooperative in connection with a loan work out involving a lender's collateral interest in the shareholder-borrower's shares of the cooperative. The shares were improperly pledged to the lender without the consent of the cooperative, and the shareholder-borrower was in default under the loan. Through negotiations with the shareholder's lender, we were able to assist with the transfer of the shares to an approved third-party assignee while

Practice Areas

- Condominiums & Cooperatives
- Real Estate
- Real Estate Development
- Real Estate Litigation

Industry Sectors

- Real Estate & Construction

Education

- Benjamin N. Cardozo School of Law, Yeshiva University, J.D., *magna cum laude*, 2008
- Tufts University, B.A., *summa cum laude*, 2002

Bar Admissions

- New York

Court Admissions

- U.S. District Court -- Southern District of New York

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P: (212) 883-4908 | F: (212) 509-9492

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simultaneously guaranteeing (i) that all outstanding maintenance and charges owed to the cooperative were paid upon closing and (ii) the discharge of all federal and state tax liens recorded against the cooperative as a result of the shareholder's actions.

Negotiated a favorable settlement on behalf of a luxury New York City Condominium Board in a law suit filed against the sponsor and sponsor principals over the misallocation of condominium funds and expenses. After development of the condominium and sales of the residential units, the sponsor retained ownership of the commercial portions of the condominium, maintained control of the condominium board, and modified the condominium budget to the detriment of the residential unit owners. After helping the owners take control of the condominium board and uncovering the sponsor's malfeasance, we filed suit, asserting claims against the sponsor-developers and individual principals, and subsequently entered into a standstill agreement allowing room for a negotiation. The final settlement required the sponsor-developers to pay the board hundreds of thousands of dollars, reallocated the budget fairly and properly, and included the installation of submeters.

Negotiated the favorable settlement of a construction defect case, without resorting to litigation, on behalf of a midtown Manhattan new-construction luxury condominium. Through the tactical use of a tolling agreement to avoid the running of the statute of limitations on the condominium's claims, the board was able to secure from the sponsor-developer millions of dollars of remediation work to the building, as well as a significant cash settlement. The sponsor-developer further agreed to complete the work and filings necessary to obtain a final certificate of occupancy.

Represented a condo-licensee in the negotiation and execution of an access agreement to permit the client to access an adjacent building. The client needed this access to install certain protective measures on the roof before performing local law 11 façade work mandated by the New York City Department of Buildings.

On behalf of a New York City new construction luxury condominium, we reached a final settlement with a sponsor-developer in connection with a multitude of construction defects affecting the building. Initially, the condominium's sponsor-developer refused to come back and make repairs or pay for the cost of same. However, with the threat of prolonged litigation combined with tactful negotiations, the sponsor-developer ultimately agreed to pay the condominium a cash settlement, covering more than 80 percent of its original claim and to complete the work and filings necessary to obtain a final certificate of occupancy. This result was particularly welcomed given that it occurred amid the COVID-19 pandemic, with backlogged courts and many sponsors filing for Chapter 11 relief.