

Menachem Kastner and Amanda Nelson Obtain Favorable Ruling for Mario Batali and Lidia Bastianich in Manhattan Supreme Court

Tuesday, February 10, 2015

Menachem Kastner, a member of Cozen O'Connor's Commercial Litigation Department, recently obtained a favorable ruling from Manhattan Supreme Court Justice Cynthia Kern on behalf of his clients, Mario Batali and Lidia Bastianich. Mario and Lidia's restaurant, Babbo, was sued by a next door property owner stating that Babbo's air conditioning units and kitchen exhaust pipe were in violation of New York City's building code and that newly installed air conditioning units were too noisy and caused vibrations. The plaintiff attempted to have the court shut down Babbo on an injunction notice, based on nuisance, trespass and violation of law theories, which would have put 100 people out of work. Justice Kern, in a 15 page decision dictated from the bench after extensive oral argument by Menachem, found that the plaintiff failed in every regard to demonstrate why Babbo should shut down and that Babbo had followed the law, having all permits and approval of all administrative agencies. Kern denied the injunction by the property owner and Babbo is happily serving customers every day. Amanda Nelson, a member of the Commercial Litigation Department, prepared the Court submissions and assisted Menachem in planning all strategy and arguments. Menachem and Amanda climbed to the top of the four story building to take pictures of all the allegedly offending machinery, which played a significant role in the Court's decision. As stated to the press in keeping Babbo open, "Justice was served."

To read the article, click [here](#).



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