



Yosef Rothstein
Counsel

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Education

- Columbia Law School (J.D., Harlan Fiske Stone Scholar and Editor-in-Chief of the Journal of Law and Social Problems)
- Yeshiva University (B.A., Economics)

Bar Admissions

- New York
- New Jersey

Court Admissions

- US District Court, Southern District of New York
- US District Court, Eastern District of New York
- US District Court, District of New Jersey

Yosef is a seasoned litigator with a wealth of experience navigating complex commercial disputes, sophisticated trust and estates litigation, real estate litigation, business dissolution disputes, and professional liability claims against national law firms. Acting as both an adviser and attorney, Yosef proactively engages with clients to achieve creative solutions that further his clients' objectives. Yosef has extensive courtroom experience, regularly argues motions before various state and federal courts, and has been lead trial counsel in several recent matters.

Prior to Elman Freiberg, Yosef worked at Matalon Shweky Elman, and before that, at Debevoise & Plimpton, and O'Melveny & Myers, representing major financial institutions and insurance companies in high stakes litigations and internal investigations.

Selected Experience

- Representing a charitable foundation and an estate in federal and state court actions alleging breaches of fiduciary duty against trustees for failing to properly exercise their discretion resulting in losses of hundreds of millions of dollars.
- Represented a beneficiary of a significant trust in a complex contested surcharge action which resulted in a \$200 million settlement.
- Represented a multinational technology client in a dispute with a broker seeking a multi-million-dollar fee. During the litigation, obtained an anti-suit injunction against the broker preventing it from filing suit in other countries, and forced the broker to withdraw its complaint after the close of discovery. When the broker then sought to amend its Complaint, successfully opposed the motion and convinced the Court to award sanctions. On the cross-appeal, convinced the Second Circuit to vacate the trial court's denial of a second motion for sanctions.

Yosef Rothstein continued



Selected Experience continued

- Represented beneficiaries of an estate in disputes with the executor and a significant creditor of the estate. Despite being retained on the eve of trial in a fraudulent conveyance action with summary judgment already granted as to liability, was able to successfully negotiate the removal of the executor and a settlement with the creditor on favorable terms.
- Represented a large law firm in a malpractice case alleging various claims for failure to properly register a trademark for over a year, and then failing to disclose a competing trademark before the client launched its product in the marketplace. After significantly narrowing the issues through motion practice, the client was able to achieve a favorable settlement.
- Represented a co-trustee in various disputes against various creditors with claims totaling several millions of dollars. In one of those disputes, successfully defeated a creditor's claims for more than a million dollars.
- Defended a major law firm in federal action alleging transactional legal malpractice. Developed a novel defense theory at the close of fact discovery that resulted in the dismissal of the claim on a motion for summary judgment.
- Represented a licensor in a dispute with its licensee, involving Lanham Act, unfair competition and breach of contract claims. After defeating a motion to dismiss and aggressively pursuing discovery, client was able to recover full control of its trademark and licensing rights on very favorable terms.
- Represented a law firm in a dispute with a former client concerning a settlement reached in the middle of a trial. After successfully outmaneuvering the law firm's former client during early motion practice on procedural grounds, the former client dismissed its claim against the firm.
- Represented an AmLaw 100 firm in a malpractice claim by a former client concerning a series of related cases filed on behalf of the former client in connection with various closely held family businesses. After discovery during which we were able to muster evidence to contradict every factual allegation raised by the former client, the former client abandoned its case.
- Represented a large commercial real estate company and its related special purpose entities in various business-to-business disputes, investor disputes, lender disputes, and landlord-tenant disputes.

Yosef Rothstein continued



Selected Experience continued

- In a pro-bono matter, successfully represented the wife of a 9/11 victim in Surrogate's Court and before the Worker's Compensation Board, in a case involving allegations of bigamy.
- Awarded the *Pro Bono Award* for outstanding service to low-income clients by New York Legal Aid for representing the first religious Sikh inmate in the New York State Department of Correctional Services. Filing suit under the Religious Land Use and Institutionalized Persons Act, Yosef forced the Department to provide various accommodations and amend its rules and regulations to accommodate the religious practices of Sikhs in prison.