

**Practice Areas**

- Litigation
- Real Estate

**Education**

- J.D., Brooklyn Law School, cum laude, 2001
- B.A., Hofstra University, 1998

**Bar Admissions**

- New York (2002)
- United States Court of Appeals for the Second Circuit (2005)
- United States District Courts for the Southern and Eastern Districts of New York (2002)

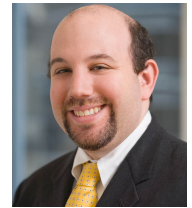
**Joshua D. Bernstein**

Partner

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Joshua Bernstein is a member of Pryor Cashman's Real Estate Litigation and Hospitality Litigation Groups. He is regularly called upon to advocate for and advise participants in the real estate and hospitality industries, including commercial owners and developers, hotel owners and operators, commercial and restaurant tenants and general contractors and subcontractors in all types of disputes including those involving the acquisition and development of real property, the operation and management of hotels, complex real estate and hospitality financing matters, complex commercial lease disputes, and construction litigation.

Josh has litigated and tried real estate and hospitality cases before state and federal courts, as well as arbitration and mediation panels, throughout the United States and abroad. Josh's work has included the representation of:

- The owner of the former St. Regis Hotel in Fort Lauderdale, Florida in an action against Starwood Hotels & Resorts Worldwide concerning extensive delays caused by Starwood in the construction of the hotel and the operator's wrongful termination of the management contract; after a nine week trial in New York State Supreme Court, the client was awarded over \$40 million in damages for Starwood's wrongful conduct
- A developer of a luxury condominium building in extensive arbitration proceedings relating to defective construction of the project
- A historic Miami Beach hotel in enforcing industry and contractual standards against a hotel operator relating to the management and operation of the hotel
- The owner of luxury Florida hotel in developing a strategy for and litigation concerning the termination of the hotel management contract
- A mezzanine lender in actions pending in New York and the Caribbean concerning the hotel owner's impairment of collateral, wrongful acts concerning the hotel's casino and breach of a personal guaranty
- A participant in a \$320 million real estate loan in litigation concerning the servicer's breaches of an intercreditor agreement
- A professional sports franchise in connection with the assertion of professional errors and omissions claims against the architect and construction manager in the construction of the franchise's new stadium
- Net lessees of the World Trade Center in connection with a three-month trial and formal appraisal hearings concerning the insurance coverage and amount of the loss for the destroyed World Trade Center

Josh earned his bachelor's degree in 1998 from Hofstra University where he majored in Political Science. He earned his J.D. with honors in 2001 from Brooklyn Law School, where he was in the top 7% of his class, an editor for the *Brooklyn Journal of International Law*, and a member of the Moot Court Honor Society.

### **Publications**

- Co-Author (with Todd Soloway), *The Termination of Hotel Management Agreements*, New York Law Journal (April 18, 2012)

### **Previous Positions**

- Proskauer Rose LLP, Associate (2001-06)

### **Speaking Engagements**

- Speaker, N.Y. State Bar Association Real Property Law Section Commercial Leasing Committee Seminar, *Landlord and Tenant Obligations in the Wake of the Kronish Lieb Case*, New York (September 2008)

### **Professional Affiliations**

- Chair, Mechanics Lien Subcommittee of the American Bar Association's Real Estate Litigation Committee
- New York City Bar Association, Member, Federal Courts Committee
- American Bar Association, Member, Forum on Construction Industry
- Construction Management Association of America
- Association of the Bar of the City of New York

### **News**

- Partners Todd Soloway and Joshua Bernstein Author New York Law Journal Article About Termination of Hotel Management Agreements
- Partner Joshua Bernstein Responds To Real Estate Questions Posed By New York Times Readers
- Pryor Cashman Announces New Partner and Elevates Four to Of Counsel
- Pryor Cashman Client Castillo Grand Wins \$44 Million Award Against Starwood Hotels
- Pryor Cashman Obtains Major Summary Judgment Ruling for Leading Construction Company and Travelers Casualty & Surety Co.
- Pryor Cashman Wins Major Appellate Victory in Case Involving Commercial Leases and Attorneys' Fees
- Pryor Cashman Defeats Motion to Remand in Case of First Impression Concerning Federal Court's Removal Jurisdiction in Diversity Case
- Pryor Cashman Wins Trial Victory on Behalf of Tenant Victimized by Loud Music
- Pryor Cashman Obtains Order Evicting Bianca Jagger From Park Avenue Apartment