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## **Soho Restaurant, Represented by Pryor Cashman, Wins Back Liquor License**

Eric D. Sherman, partner in the Real Estate Litigation Group, represented the owners of a popular Soho restaurant-lounge which won a battle to keep its liquor license. The victory is detailed in an article in the September 1, 2006, issue of the *New York Law Journal* and the September 13-19, 2006, issue of *The Villager*.

To read the article in *The Villager*, please [click here](#). The text of the *New York Law Journal* article is below.

### **Panel Upsets Ruling Denying Liquor License to Restaurant**

A Manhattan appellate court has dealt a blow to community efforts to prevent a SoHo restaurant from receiving a liquor license. The Appellate Division, First Department, yesterday unanimously reversed an earlier decision by Manhattan Supreme Court Justice Marilyn Shafer (See Profile), who had last December annulled the State Liquor Authority's grant of a license to Lola, a restaurant located near the entrance to the Holland Tunnel. Justice Shafer's decision had been hailed as a victory by community activists at the SoHo Alliance, who have opposed the spread of nightlife in downtown Manhattan. But an appellate panel of Justices George D. Marlow, Milton L. Williams, Luis A. Gonzalez, John W. Sweeny and James M. Catterson said the lower court overstepped its authority by interfering in the liquor agency's administrative process, which had included a public hearing and a five-page decision to grant the license. The panel agreed with the trial court that the liquor authority had failed to properly articulate its reasons for granting the license in its decision but said the proper remedy was to remit the matter to the agency solely for the purpose of stating its reasons for granting the license. The panel also said the agency did not need to hold further hearings on the issue. Eric D. Sherman of Pryor Cashman Sherman & Flynn, which represented Lola, said the decision would hearten restaurateurs who have been cowed by "rabid" community groups. But SoHo Alliance executive director Sean Sweeney said the group would continue to the oppose the issuing of the license in Article 78 proceedings.