



Edward J. Heppt

Partner | New York

ehppt@sgrlaw.com

Tel: 212-907-9708

Fax: 212-907-9808

Areas of Practice

Litigation / Trial Practice | Real Estate Law | Arbitration | Mediation | Construction Dispute Resolution | Global Transport | Labor and Employment

Mr. Heppt is Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP.

He concentrates his practice on the representation of clients involved in complex commercial litigation. Mr. Heppt has experience in various types of business disputes, including breach of contract, business torts, shareholder derivative suits, partnership disputes, business divorces that involve the dissolution and valuation of jointly held entities, and a wide range of employment disputes. His representations have included real estate developers and owners, aircraft owner/lessors and financing companies, private equity investors, construction companies, technology companies, and partners in various business ventures.

Mr. Heppt regularly appears before federal courts throughout the United States and the state courts of New York. He has also participated in numerous evidentiary hearings for injunctive and other provisional relief and in a wide range of arbitrations. He is currently a Member of the New York City Bar Association's Council on Judicial Administration and is the former Secretary of the State Courts of Superior Jurisdiction Committee for the New York City Bar Association.

Experience

- Counsel in the federal bench trial of a case involving breach of three aircraft lease agreements that resulted in judgments against the lessee and its parent company totaling more than \$409 million, which have been fully satisfied.
- Obtained the first ever order from a U.S. court granting immediate possession pursuant to the Convention on International Interests in Mobile Equipment (aka the Cape Town Convention) allowing the owner to repossess an aircraft located in Asia and eventually lease it to another airline before final determination of the complaint.
- Counsel for plaintiff in a Commercial Division jury trial in New York County Supreme between co-founders of a successful business that settled for \$3.5 million during jury deliberations.

- Counsel for plaintiff in a Commercial Division jury trial in New York County Supreme between co-founders of a successful business that settled for \$3.5 million during jury deliberations.
- Obtained dismissal of breach of fiduciary duty and waste claims asserted against four directors of a large charity in an adversary proceeding in the U.S. Bankruptcy Court, S.D.N.Y.
- Defense of principals and an off-shore fund in a class action by foreign investors alleging fraud and breach of fiduciary duty.
- Obtained dismissal of claims for the dissolution of several jointly-owned realty-holding companies in connection with a litigation between two partners of a real estate investment and brokerage company.
- Obtained a TRO and preliminary injunction on behalf of the non-managing member of a LLC, granting the non-managing member exclusive authority and control over the construction and development of a high-end condominium project.
- Obtained an order granting summary judgment in favor of the seller of a private aircraft, declaring that the seller is entitled to the contract deposit and directing the purchaser to pay the seller's attorneys' fees and expenses
- Obtained permission to commence a sealed action in the S.D.N.Y and obtained an ex parte order, under the Cape Town Convention, granting the lessor of aircraft engines immediate possession and enjoining the lessee from preventing the engines from being flown to the United States.
- Obtained a TRO enjoining the managing members of a real estate holding LLC from accessing the company's bank accounts in connection with the construction and development of a condominium building.
- Obtained partial summary judgment in favor of a real estate brokerage company in connection with a litigation involving competing claims to millions of dollars in brokerage commissions.
- Obtained dismissal of an appeal filed in the Appellate Division, First Department by a shareholder of a cooperative building who sought over \$55 million in damages against the board of directors of the cooperative.
- Obtained dismissal of a complaint seeking over \$1 million in commercial real estate brokerage commissions in connection with the leasing of commercial space in Jersey City, New Jersey.
- Obtained favorable settlements for a large bank in connection with several actions involving financial fraud resulting from the misconduct of the bank's former branch manager.
- Obtained an order enjoining the owner of a company from withdrawing corporate funds without the prior authorization of the company's principal investor.
- Obtained a preliminary injunction on behalf of owner of aircraft engines requiring the lessee to convey title to two replacement of engines of equal or greater value.
- Obtained a stay of eviction and favorable settlement on behalf of a commercial tenant in a declaratory judgment action brought by a landlord who sought to declare certain lease extensions null and void under the Statute of Frauds.
- Successfully defended a landlord in an action brought by a commercial tenant who sought to compel the landlord to approve a specific contractor to perform renovation work.
- Represented landlords in various litigations, including proceedings in NYC Housing Court.

Publications

- Speaker, Aircraft Financing Subcommittee 2023 update on aviation litigation decisions, American Bar Association's Business Law Section Fall Meeting, September 7, 2023.
- Panelist, "The impact of Cape Town's remedies pending final determination on repossession rights in US courts," American Bar Association's Aviation and Space Finance Conference, December 8, 2022.
- SGR Litigation Blog: [Waiver Of Money Damages And The Inadvertent Consent To Injunctive Relief](#), September 21, 2020.
- SGR Litigation Blog: [The East River Divide](#), July 20, 2020.
- SGR Litigation Blog: [How Should Co-Ops, Condos and Office Buildings Adjust To New York's Social Distancing Guidelines?](#), May 20, 2020.
- SGR Litigation Blog: [Does The Money In Your Bank Account Really Belong To You?](#), April 15, 2020.
- SGR Litigation Blog: [Updates: New York Federal & State Courts](#), April 13, 2020.
- SGR Litigation Blog: [Response by the New York Federal & State Courts to COVID-19](#), April 1, 2020.

Admissions

New York State Courts

Southern District of New York

Eastern District of New York

Second Circuit Court of Appeals

Memberships

New York City Bar Association

New York Bar Association

Member of the New York City Bar Association's Council on Judicial Administration

Former Secretary of the State Courts of Superior Jurisdiction Committee for the New York City Bar Association