



Jeffrey D. Buss, Partner

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Jeffrey D. Buss heads both the Litigation Department and the Energy Practice Group at Smith, Buss & Jacobs.

Mr. Buss has successfully tried numerous jury and non-jury trials, and has successfully argued and drafted appeals before the Appellate Divisions for the First, Second, and Third Departments, the Appellate Term for the First and Second Departments, the New York State Court of Appeals, and the United States Court of Appeals for the Second Circuit.

His trials and appeals have involved significant and complex issues in the areas of environmental, fraud, bankruptcy, civil rights, health, construction, corporate, constitutional, religious, election, coop, condominium, and real estate law.

Interesting cases handled by Mr. Buss include: *Weissman v. Hassett* (judicial immunity for bankruptcy trustee), *in re OPM Leasing Services* (right to a jury trial in fraudulent transfer litigation), *Manti v. NYCTA* (right of private business to recover damages under the civil rights laws for competitive injury caused by governmental agency), *Rubin v. Sieh* (tenant's right to damages for breach of warranty of habitability), *NYS Dept. of Environmental Conservation v. Britestarr* (landfill enforcement litigation), *Robinson v. Olivarez* (right of tenants to participate in federal energy assistance program), *Seidman v. Merchants Bank* (bank liability for improper set off against corporate pension fund), *Jones v. Smith* (First Amendment rights of prisoners to access the courts and the use of the U.S. mail), *Flatbush Manor v. Gotham* (rate reimbursement and rent calculations under NYS Department of Health regulations), *Griffin v City of New York* (excessive penalty overturned in Article 78 against NYC); *Nadler v. FDIC* (scope of the financial and trade secret exemption to the Freedom of Information Act); *Anco Painting v Kamen* (RICO complaint involving bidding of NYC hotel painting contracts) *Gold v. Feinberg* (civil rights and election law); *Nicolai v McKay*; *Nicolai v Kelleher*; and *Nicolai v Kelleher II* (standing of judicial candidates to challenge nominating convention); *Farrell v Sunderland*, (NYS ballot access law); *DaSilva v Kinsho International Corp* (supplemental jurisdiction of federal courts to determine state discrimination claim); *Annabi v the City of Yonkers* (failure of municipality to refer ordinance to county planning board is jurisdictional defect precluding land use development); *the Congregation Yetev Lev d'Satmar* cases Appellate 2nd Dept. 7-11-06, Court of Appeals NY 11-20-07, Orange County Supreme Court 2-9-06, Appellate 2nd Dept. 9-8-03, Kings City Supreme Court 8-22-08, (a multiplicity of trial court, Appellate Division and Court of Appeal's decisions establishing New York law on the separation of church and state), *First Nat'l Bank of Chicago v. Silver* (compliance with NY Home Equity Theft Protection Act is mandatory pre-condition to residential foreclosure action); *HSBC v Sofer*, (improper assignment and lack of standing in mortgage foreclosure proceeding); *Damora Restaurant Corp v Gazette Realty* (distinction between sublease and assignment), *Spiezio Family Holdings v Cook*, (fiduciary duty among members of LLC; professional malpractice)

A & F Commercial Builders v City of Yonkers (challenge of preferred municipal developer); *Riverbay v STONYA* (termination of satellite television system); *Fresh Meadow Mechanical Corp v Riverbay* (breach of EPC contract for construction of electric generating facility); *Cylich v Riverbay* (Article 78 proceeding); and *Brodsky v Board of Managers of Dag Hammarskjold Plaza* (use of proxies to defeat quorum in corporate election)

Mr. Buss served as a member of the Pro Bono Discretionary Appeal Panel for the U.S. District (2d Circuit) and the Pro Bono Panel for the U.S. District of the Southern District of N.Y., and sits as an Arbitrator for the U.S. District Court, Eastern District of N.Y. Mr. Buss has been a member of the Federal Bar Council, the Association of the Bar of the City of New York, the New York State Bar Association, and the New York State Trial Lawyers Association as well as the Association of Corporate Counsel.

Mr. Buss began his legal career as a Reginald Heber Smith Fellow and as staff counsel for the Public Utility Law Project (PULP). He served as the Governor's appointee and Chair of the New York State Low Income Energy Assistance Block Grant Advisory Committee, and a Board Member of the NYS Weatherization Program Advisory Council and the Title XX Block Grant Advisory Council; performed a legal compliance audit of a regulated New York utility on behalf of the NYS Attorney General; was a member of the Attorney General's Martin Act Task Force; served on the NYS Bar Association Committee recommending changes to the Mitchell-Lama Housing program; and is active in numerous community, charitable, educational and public organizations. He is currently General Counsel for the Riverbay Corporation, commonly known as Coop City, the largest affordable housing complex in the United States, and for the Vostecs Corporation, a multi-national energy services and technology firm.

Mr. Buss is a founding member of the firm, which has an AV rating, the highest ranking possible, from Martindale-Hubbell. Mr. Buss has been selected as a SuperLawyer by his peers, and his clients have rated him as a 10 on AVVO.