Greenbaum Secures Significant Win as New Jersey Appellate Court Upholds Trial Court's Decision in Favor of Real Estate Brokerage Firm

Announcement

4.28.26

Greenbaum litigators and partners Alan S. Pralgever and Luke J. Kealy successfully prevailed in opposing defendants' appeal of a final judgment obtained in favor of the firm's client, real estate brokerage The Blau & Berg Company (Blau).

The matter concerned a dispute over brokerage fees earned for a commercial lease for a warehouse building in Paterson, New Jersey. The fees were based on an exclusive listing agreement executed between Blau and defendants Getty Industries LLC and Alma Realty Corp.

Following an eight-day trial, the trial court determined that Blau, consistent with the exclusive listing agreement, had fully met its notification and introduction requirements. Consequently, it was entitled to its full commission once the lease was executed, which was not dependent on the actual delivery of space. The trial court awarded Blau a total of $1,744,877.36 – $634,347 in commissions for both leased units, and pursuant to contract, $650,013 in prejudgment interest and $460,516 in attorneys' fees and costs.

In its appeal, the defendants argued that no commission was due on the second tranche of the space because the tenant never took possession, however the Appellate Division affirmed the trial court's determination that the space was never provided due to the defendants own inability to remove existing tenants from the space they were contractually obligated to provide. The Appellate Division upheld the trial court's rulings in their entirety, determining that Blau was entitled to all its contractual remedies consisting of commissions on all of the space, pre-judgement interest, and attorneys' fees. Our clients, who were quite pleased with the decision, will also seek attorneys' fees, costs and interest for the appellate work.

Comment on the case's outcome, lead trial counsel Alan Pralgever noted: "What makes this decision particularly impactful is the fact that both the trial court and the Appellate Division recognized Blau's contractual right, per the listing agreement, to earn its full commission on both segments of the lease as soon as it was signed because the landlord failed to honor its commitment to provide all the leased space through no fault of either the broker

or the tenant."

The matter, which received media coverage in *Law360*, is CRIMKAV CORPORATION t/a THE BLAU & BERG COMPANY, Plaintiff-Respondent, v. GETTY INDUSTRIES LLC and ALMA REALTY CORP., Defendants-Appellant.

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