


Todd B. Marcus

Partner

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Todd Marcus is a partner and member of Pryor Cashman's Litigation and Real Estate Groups. He is a skilled trial lawyer with extensive experience, including appellate experience, in various state and federal jurisdictions. Todd also regularly handles arbitrations and mediations, including under AAA, ICDR, and JAMS rules.

For more than 30 years, Todd has developed experience in real estate and hospitality matters, representing a variety of owners, operators, lenders, borrowers, guarantors, investors, landlords, tenants, joint venturers, and partnerships in complex commercial disputes. He often handles disputes involving finance matters, including complex commercial real estate foreclosures and mezzanine foreclosures, the enforcement and termination of hotel management agreements, partnership and joint venture disputes including partition actions, complex lease and real estate transactional disputes, and other contract and commercial disputes.

His matters have involved iconic New York City properties including the Mark Hotel, the Empire Hotel, the Verizon Building, 380 Madison Avenue, 4 Bryant Park, 16 Madison Square West, 11 Madison Square North, and Riverhouse in Battery Park City.

Todd's notable experience includes representing:

- A Delaware-formed owner of an iconic San Francisco hotel as lead counsel for a successful trial in Delaware Chancery Court seeking books and records where a creditor exercised rights under BVI law to replace directors of the sole member of the hotel owner.
- A large group of family and other real estate investors in hostile partition actions commenced by a real estate fund involving over \$1 billion in New York City commercial office buildings.
- A mezzanine lender in a challenge to commercial reasonableness of a UCC foreclosure sale.
- A guarantor in an action to enforce recourse provisions of guaranties following a foreclosure.
- A real estate owner and operator of residential buildings in which a ring of brokers were accused of running an illegal AirBNB operation.
- A service provider and hotel owners in high-profile actions commenced by various New York counties and municipalities seeking to prevent New York City from providing accommodations and services to migrants seeking asylum after being sent to New York City by the Governor of Texas and other states unwilling to accept them.
- The largest owner and operator of bowling entertainment centers in a variety of lease disputes across the country in cases involving hundreds of millions of dollars in leasehold interests.

Pro Bono Work

Dedicated to *pro bono* advocacy, Todd helped secure (a) from President Barack Obama a grant of executive clemency for a federal prisoner who served 18 years of a 30-year prison sentence for a low-level, non-violent drug offense, and (b) Combat Related Special Compensation from the U.S. Army for a veteran who was permanently disabled serving during Operation Iraqi Freedom.

Services

- Real Estate Litigation
- Litigation
- Real Estate

Education

- George Washington University Law School (J.D., 1989)
- Lafayette College (B.S., 1986)

Recognition

- Named “Lawyer of the Year” in Litigation – Real Estate by *Best Lawyers in America* (2022)
- Named a leading attorney in Litigation – Real Estate by *Best Lawyers in America* (2017-26)
- Named to the *Super Lawyers – New York Metro* list in Business Litigation (2012-25)

Admissions

- New York
- U.S. Court of Appeals for the Second and Tenth Circuits
- U.S. District Courts for the Southern, Eastern and Northern Districts of New York

Publications

- “Appellate Decision Unwinds Foreclosure Purchase,” *New York Law Journal* (July 2015)
- Co-author, “Distressed Real Estate Loan Dispute Resolution in 2012: Latest Developments, Trends and Strategies,” *Inside the Minds: Real Estate Dispute Resolution* (April 2012)
- Co-author, “Residential Mortgage Foreclosure: It’s A Whole New Ballgame,” *New York Law Journal* (March 2011)
- Co-author, “A Primer on Today’s Commercial Loan Forbearance Agreement,” *New York Law Journal* (March 2010)