



Jarrett M. Behar

Partner

Jarrett M. Behar is a Partner in our Litigation Practice Group and is based in our Hauppauge office. He has vast litigation experience in the areas of real estate, commercial lending, construction, general contractual disputes, land use, bankruptcy, intellectual property, professional liability defense matters and appellate practice in both federal and state courts.

Prior to joining Certilman Balin, Mr. Behar was a Partner at a Long Island law firm in Suffolk County where he focused on commercial real estate and development matters. He also practiced as an associate at a prominent New York City law firm. For one year, he was counsel and project manager at the large retail chain, Steve & Barry's University Sportswear.

He earned his Juris Doctor from New York University School of Law and his Bachelor of Arts in Political Science from the University of Florida. In law school he served as the Competitions Editor on the Moot Court Board.

Mr. Behar has authored articles in a myriad of publications including New York Law Journal Magazine and the Suffolk Lawyer.

In 2023 & 2024, he was named to the New York Metro Super Lawyer list.

He served as Dean of the Suffolk Academy of Law for two years, is a former Director of the Suffolk County Bar Association, and formerly co-chaired the Suffolk County Bar Association Transaction & Corporation Law Committee. For six years, he served as Vice President/Trustee of the Commack Union Free School District Board of Education where he helped manage an annual budget of approximately \$200 million.

He is admitted to practice in New York and the Supreme Court of the United States, U.S. District Court, Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

Education

New York University School of Law, 2000
University of Florida, Bachelor of Arts, 1997

Bar Admission

New York

Court Admissions

Supreme Court of the United States, U.S. Court of Appeals for the Second Circuit, U.S. District Court, Southern and Eastern Districts of New York

Bar Association

Suffolk County Bar Association, Former Director; Former Dean, Suffolk Academy of Law

Publications

"Second Department Clarifies Law Relating to Restrictive Covenants in Ordinary Commercial Contracts" The Legal Brief, Spring 2024

"It's Official: The Statute of Limitations Was Tolded, Not Suspended, During the COVID-19

Practice Areas

Litigation

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Publications (continued)

Pandemic" The Legal Brief, Spring 2023

"COVID-19, Force Majeure Clauses and Commercial Lease Rental Obligations," The Suffolk Lawyer, May 2020

"The COVID-19 Shutdown and the Impossibility of Performance Defense," The Suffolk Lawyer, April 2020

"New CPLR Sec. 4540-a: the Presumption of Authenticity of a Party's Own Documents," The Suffolk Lawyer, April 2019

"Absolute and Qualified Immunity in 1983 Actions," The Suffolk Lawyer, November 2017

"Removing a Mechanic's Lien From Your Property," The Suffolk Lawyer, May 2016

"Don't Overestimate the Power of a Restraining Notice," The Suffolk Lawyer, February 2016

"Architectural Copyright Infringement By a Non-Paying Client," The Suffolk Lawyer, January 2016

"Mechanic's Lien 101," The Suffolk Lawyer, November 2015

"He Said, She Said: A Partner and a Mid-Level Associate Share Their Personal Dos and Don'ts," New York Law Journal Magazine, September 2004, with Dana B. Klinges, Esq.

Seminars

Transactional Tuesdays: The ABCs of Acquiring a Building with a Company, March 19, 2019, Suffolk Academy of Law, Presenter (Individual Liability)

The 411 on 1031 Exchanges, October 25, 2018, Suffolk Academy of Law, Program Coordinator

Filing a Mechanic's Lien: The Basics You Need to Know Before You File, February 27, 2018, Suffolk Academy of Law, Presenter

Cases

Leyton v. Siegel, 212 A.D.3d 521 (1st Dep't 2023): Obtained reversal of grant of summary judgment to defendants dismissing plaintiff minority member's claims against majority members of limited liability company for breach of implied duty of good faith and fair dealing and derivative breach of contract claims under Delaware law, reversal of denial of plaintiff's motion to amend complaint and obtained summary judgment for plaintiff through searching the record with respect to motion not made to the trial court on claim that plaintiff was entitled to his promote on the company's post-sale activities as a matter of law.

Nassau County v. New York State Urban Development Corp., 157 A.D.3d 805, 70 N.Y.S.3d 246 (2d Dep't 2018): As Special Counsel for Nassau County obtained reversal of summary judgment dismissing breach of contract claim on ground that no consideration existed against one New York State entity and affirmance of denial of summary judgment dismissing third-party beneficiary claim against Dormitory Authority of the State of New York.

Remediation Capital Funding LLC v. Noto, 147 A.D.3d 469, 46 N.Y.S.3d 606 (1st Dep't 2017): Obtained reversal of grant of motion to dismiss based on claim that sophisticated plaintiff failed to perform adequate due diligence in connection with hard money loan.

Technology In Partnership, Inc. v. Rudin, 538 Fed. Appx. 38 (2d Cir. 2013): Obtained

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Cases (Continued)

affirmance of denial of motion to compel arbitration in civil RICO action based on waiver.

Wiernik v. Kurth, 59 A.D.3d 535, 873 N.Y.S.2d 673 (2d Dep't 2009): Obtained reversal of denial of motion to dismiss fraud claims against office manager of architectural practice.

Bloodgood v. Town of Huntington, 58 A.D.3d 619, 871 N.Y.S.2d 644 (2d Dep't 2009): Obtained reversal of dismissal of Article 78 Petition based on trial court's finding of lack of standing to prosecute SEQRA claims.

Greenman-Pedersen, Inc. v. Zurich American Ins. Co., 54 A.D.3d 386, 864 N.Y.S.2d 39 (2d Dep't 2008): Obtained affirmance of denial of motion for protective order in engineering firm's declaratory judgment action against insurance company for coverage as additional insured on general contractor's policy.

Potamkin Development Co II, LLC v. Greyhawk North America, LLC, 3/9/2006 N.Y.L.J. 19, (col. 1): Successfully defended action challenging validity of construction manager's mechanic's lien.

Do The Hustle, LLC v. Rogovich, 2003 U.S. Dist. LEXIS 10445, 2003 WL 21436215 (S.D.N.Y. June 19, 2003): Successfully opposed motion for preliminary injunction in trade dress infringement action relating to 1980's dance clubs before the Southern District of New York.

Association of Cable Access Producers v. Public Serv. Comm'n of the State of N.Y., 1 A.D.2d 761, 767 N.Y.S.2d 166 (3d Dep't 2003): Obtained affirmance from Appellate Division, Third Department of dismissal of claim to obtain the records of public access channels

Community Involvement

Vice President/Trustee of the Commack Union Free School District Board of Education, 2015-2022

Outside the Office – Most recent claim to fame: a walk-on on the *Marvelous Mrs. Maisel*

Certifications – Qualified New York State Part 36 Receiver and Counsel to Receiver