

Jonathan Mazer

Jonathan Mazer joined the firm as a litigation partner in 2008, having previously worked at an international law firm and another litigation boutique. Mr. Mazer is a trial lawyer with a broad litigation background who focuses his practice on three areas: (1) employment law in the so-called “gig economy,” with an emphasis on the independent contractor status of drivers affiliated with ground transportation and other dispatchers; (2) real estate disputes, including “business divorce” disputes among property owners, and landlord/tenant disputes, and (3) trial work.

EMPLOYMENT LAW AND THE GIG ECONOMY

Since 1994, Mr. Mazer has represented various ground transportation businesses including black car dispatch bases, messenger businesses, and airport transport businesses and related trade organizations in a variety of disputes before the courts and administrative tribunals. Many of these disputes concerned the independent contractor status of the worker affiliated with the dispatcher. This issue is being presented with increasing frequency by the growing number of “gig economy” workers who get referrals for a wide range of jobs via phone apps.

His representations in this area have included:

- Obtaining dismissal on summary judgment of black car dispatch bases alleged to be vicariously liable for negligence of affiliated drivers, including one case which resulted in a leading Appellate Division, First Department decision finding that the affiliated drivers were independent contractors as a matter of law;
- Representing ground transportation dispatch bases in numerous disputes over the enforcement of arbitration clauses in franchise agreements with drivers;
- Representing the New York Black Car Operators Injury Compensation Fund and black car dispatch bases in hearings before the Taxi and Limousine Commission on numerous regulatory, compliance, and licensing issues;
- Representing black car dispatch bases against driver claims for unemployment insurance based on the independent contractor status of the driver;
- Representing trade organization for black car dispatch bases in a successful challenge to the constitutionality of a New Jersey statute imposing fees on for-hire vehicles registered in New York but picking up or dropping off passengers in New Jersey.

Mr. Mazer is also active in transportation policy. He is a longtime member of the New York City Bar Association’s Transportation Committee, serving as its Chairman between 2013 and 2016, as well as the Transportation Research Forum. He has been involved in the debate and planning surrounding the development of self-driving vehicles, including arranging speakers and a panel discussion while Chairman of the Transportation Committee.

REAL ESTATE, BUSINESS DIVORCE, AND LANDLORD/TENANT

Mr. Mazer got his start in real estate litigation and trial work in the housing court, and has handled countless matters over the years ranging from simple non-payment cases to complex holdover and enforcement proceedings representing both landlords and tenants, many of which were litigated through trial and appeal. On the landlord-tenant side, he presently focuses on complex housing matters such as enforcement proceedings involving distressed buildings, disputes between co-op owners and their landlords, non-primary residence cases and commercial housing cases. In addition, he has a varied real estate docket.

His representations in this area have included:

- Winning a \$4.2 million judgment after trial and appeals in a “business divorce” case for the “fair value” of an individual’s share of a real estate holding company;
- Winning a \$4.8 million judgment after trial in a “business divorce” case for the “fair value” of jointly held real estate holding companies, one of which will be dissolved unless at least \$3.2 million is not timely paid;
- Representing a wide variety of landlords and tenants in disputes such as evictions, residual rent claims, disputes over alterations to buildings or individual units, disputes over pass-thru real estate taxes, and other types of “additional rent,” in Housing Court, Supreme Court and before administrative tribunals;
- Securing dismissal, on a directed verdict motion, of criminal contempt charges brought by the NYC Department of Housing Preservation and Development against individuals whose company had managed a residential real estate portfolio;
- Representing landowner in dispute over placement of wall near the border line of two properties;
- Obtaining an injunction on behalf of a homeowner that required a neighbor to set back his new construction from the property line between the two owners.

TRIAL WORK

Mr. Mazer’s trial work has been primarily focused on New York State Courts and administrative tribunals, and private arbitration. He has acted as lead counsel in numerous state court trials—both bench and jury—as well as administrative trials and arbitrations, often becoming involved in cases when they are trial ready or otherwise considered unlikely to settle. As lead counsel, he examines key witness and directs or participates in all aspects of trial, particularly by preparing key witnesses to testify by conducting detailed practice cross examinations. In addition, he acts as local counsel for out-of-state attorneys, and consults with other attorneys to help evaluate and develop trial strategies, identify and respond to evidentiary objections and prepare witnesses alongside lead counsel. He has also second-seated or assisted at many trials and evidentiary hearings, including trials in specialized courts such as in Criminal Court, Surrogates Court, and Bankruptcy Court.

OTHER REPRESENTATIONS

- Representing manufacturers of sophisticated printing presses and other equipment through jury trial, damages trial, and appeal in suit against them for fraud and breach of contract seeking \$10 million, resulting in the dismissal of one defendant and only nominal damages against the other;
- Representing Italian manufacturer of bakery equipment in a products liability action in federal court in Connecticut following a tragic accident in which a bakery worker was killed;
- Representing a clothing retailer in unemployment insurance hearings;
- Representing an electronics manufacturer in breach of contract action for amounts allegedly due to litigation services consulting firm;
- Representing money-changing business in Federal forfeiture action in New Jersey and subsequent state court action in New York;

- Winning summary judgment on behalf of an individual hedge fund manager on a claim for breach of a finder's fee agreement;
- Obtaining dismissal for lack of personal jurisdiction of former Argentine Secretary of Intelligence from suit alleging breach of contract, defamation and conspiracy;
- Serving as local counsel for a trial team that obtained a \$7 million verdict for the improper publication of a private sex tape.

Mr. Mazer has been a member of the NYC Bar Association's Transportation Committee since 2011 and was its Chairman from 2013 to 2016. Between 2004 and 2007, he was a member of the Association's Corrections Committee, and was Chairman of the sub-committee on prison libraries. He was a member of the Association's Housing Court Committee from 2000 to 2003. He is also a member of the Federal Bar Council and the American Bar Association.

Mr. Mazer has a long-standing interest in personal finance, index investing and behavioral economics. He has written and spoken on the legal "ownership" of financial indexes. His publications include *Going . . . Going . . . Gone? What Dow Jones v. ISE Means For Intellectual Property Rights In The Indexing Business*, *Journal of Indexes*, November/December 2006 at 10-14; *Intellectual Property: A Discussion, What Rights Do Index Providers Really Have?*, Speaker at Panel Discussion, publication of transcript in the *Journal of Indexes*, July/August, 2007 at 26-31; and *Who in the World Owns Financial Indexes?*, *Intellectual Property Litigation*, Volume 19, No. 4, Summer 2008 at 24-25.

Mr. Mazer received his B.A. with "Outstanding Academic Performance" from State University of New York at Binghamton in 1990, and his J.D. from New York University Law School in 1994. Mr. Mazer was also the recipient of a full scholarship to study at the New York University Graduate School of Arts and Sciences where, in 1992, he earned an M.A. in Philosophy with a specialization in Ethics. Mr. Mazer was a legal intern for Choice in Dying in the summer of 1992, for the Correctional Association of New York – AIDS in Prison Project in the summer of 1993, and for Neighborhood Defender Service of Harlem in 1993-1994. Mr. Mazer worked at Baden Kramer Huffman & Brodsky, P.C., until 2002, and then joined Fox Horan Camerini LLP. Before joining the firm, Mr. Mazer was a partner at Fox Horan Camerini LLP.



CONTACT

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EDUCATION

New York University Law School

J.D., 1994

New York University

M.A., 1992

SUNY Binghamton

B.A., 1990, Outstanding Academic Performance

BAR ADMISSIONS

New York

New Jersey

U.S. Supreme Court

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York