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Jocelyn E. Lupetin Successfully Obtained an Appellate Win in a Contract Case

February 2, 2023

Jocelyn E. Lupetin, Of Counsel to Cullen and Dykman LLP, recently obtained a favorable decision from the Appellate Division, First Department. The decision affirmed the lower court's denial of the plaintiff's motion for summary judgment. The plaintiff attempted to steamroll its way to an early determination on the issue of liability by attempting to discount the existence of issues of fact and convince the court that the defendant had breached the contract at issue by failing to comply with a notice to cure provision.

Jocelyn was able to convince the court that an issue of fact remains with regard to whether her client had complied with the terms of the contract. The court agreed with Ms. Lupetin's contention that the wording in question is vague and the parties' actions failed to clarify the ambiguity. Additionally, Jocelyn was able to further weaken the plaintiff's position by highlighting the fact that the plaintiff may have abandoned performance - calling into question whether it was the plaintiff, and not her client, who had actually breached the contract.

Based on Jocelyn's arguments and submissions to the Appellate Court, she secured another win for her client.

About Cullen and Dykman's Bankruptcy and Creditors' Rights Practice

Cullen and Dykman's Bankruptcy and Creditors' Rights practice offers clients a unique perspective into the issues involved in complex bankruptcy proceedings in a wide range of industries. We have represented secured creditors, debtors, unsecured creditors' committees, and individual unsecured creditors in Chapter 11 cases filed throughout the country, and we are skilled in resolving issues among various constituencies in complex Chapter 11 proceedings. We also have significant experience in out-of-court workouts, restructurings and bankruptcy litigation, and we have secured favorable results for our clients in complex bankruptcy cases throughout the country.

About Cullen and Dykman

Cullen and Dykman (www.cullenllp.com) has been providing legal services to institutional clients since 1850. The firm represents a wide range of clients, including banks and other financial institutions, energy, telecommunications and water companies, construction companies, insurers, educational institutions, religious organizations, and not-for-profits. With over 190 attorneys in seven offices located throughout the Northeast and MidAtlantic regions, Cullen and Dykman is strategically positioned to meet the changing needs and demands of our clients.

Practices

- Bankruptcy and Creditors' Rights

Attorneys

- Jocelyn E. Lupetin