



# Top 5 Legal Alerts of 2023

December 28, 2023

As we continue to navigate the ever-evolving legal landscape, we at Cullen and Dykman regularly provide timely insights on crucial developments. Our commitment to keeping you informed and at the forefront of legal developments continues in 2024. Let's look back at our top 5 legal alerts of 2023:

## 5. Escaping Burdensome Real Estate Leases in Bankruptcy: Relief for the Tenant? Grief for the Landlord?

With an anticipated increase in brick-and-mortar retailer bankruptcies, landlords may find themselves with little control over the future of their leases with bankrupt retailers. The Bankruptcy Code was designed to provide a “fresh start” to debtors whose balance sheet was weighed down by too many obligations, too little income or insufficient cash flow. A debtor demonstrating a reasonable likelihood of a successful reorganization may be entitled to rid itself of costly real estate leases. But what are the rights of the landlord? To read more: [Click Here](#)

## 4. Singer–Songwriter Ed Sheeran Wins Copyright Infringement Case

Yesterday, a Manhattan federal jury decided global music icon Ed Sheeran was not liable in a copyright infringement lawsuit that accused him of copying Marvin Gaye’s 1973 classic “Let’s Get it On” for his 2014 hit song “Thinking Out Loud.”<sup>[i]</sup> The jury reached a unanimous verdict after less than three hours of deliberations.<sup>[ii]</sup> Intellectual property experts have closely monitored this case due to the widespread effects a verdict against Ed Sheeran would have had on the music industry, and copyright law in general. To read more: [Click Here](#)

## 3. Violations of the Automatic Stay: Willful or Technical? Void or Voidable? Distinctions Without a Difference.

A decision issued last month by Hon. Christopher D. Jaime of the U.S. Bankruptcy Court, Eastern District of California, touches upon several aspects of bankruptcy law which are of interest to creditors and debtors alike. *Valentine v. Holmes, et al.*, 2022 WL 17408093, Case No. 22-21184-B-13, Adversary No. 22-2086 (Bankr. E.D. Cal. Dec. 2, 2022). While the important points are distilled below, a reading of the entire decision is encouraged due to the specifics of the case. To read more: [Click Here](#)

## 2. New York State Removes Requirement for Notarization of Affidavits and Sworn Documents in Civil Cases

On November 1st, 2023, New York Governor Kathy Hochul signed the Notary Bill (“Bill”) into law. The Bill removes the requirement for notarization of affidavits and sworn documents in civil cases in New York state courts. The law goes into effect on January 1st, 2024, and will apply to all actions commenced on or after that date. To read more: [Click Here](#)

## 1. New York Foreclosure Abuse Prevention Act

On December 30, 2022, New York State Governor Kathy Hochul signed into law the “Foreclosure Abuse Prevention Act” (“**Act**”). The Act became effective immediately and applies to any foreclosure action in New York that was pending as of December 30, 2022 or filed thereafter. The Act applies to both residential and commercial foreclosures. To read more: [Click Here](#)

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