

WHAT'S THE LAW?™ – ISSUE 150: SUBTENANT EVICTION & STRANDED PASSENGER!



Millford & Barnum, once a 20-attorney litigation and transactional firm, presented an "aura of success" with its display of contemporary art adorning the walls of its Midtown offices; pricey Knoll and Bertioia chairs and personalized Millford & Barnum cups and napkins; and on-site IT staff, said lawyers who sublet space from the firm.

Both the Grant firm and LoPreto, another subtenant on the building's ninth floor, had agreements with Millford & Barnum to use their office space for three years with a two-year renewal option.

But only four months after settling in at 600 Lexington Ave., the subleasees were told by Millford & Barnum that it was defaulting on its lease, its partners were departing and the subtenants would have to leave or be evicted, according to a lawsuit against Millford & Barnum.

"If we are required to move less than six months after announcing with pride our relocation to beautiful space, and explaining and training our clients to come to a new location, we will be perceived as slipshod in managing our own affairs, thereby throwing into serious doubt our professional ability to manage and advise the legal affairs of others," Grant says in court papers.

- *According to Torah law what are Gersten's liabilities towards Grant? What are Malev's responsibilities towards Irving.*
- *May Gersten demand a refund for the first four months? May Irving demand a refund for the first leg of the trip?.*

The Grant firm and solo practitioner Virginia LoPreto, are suing **Millford & Barnum**, claiming the firm induced them to rent space without disclosing that it was behind on its rent and at risk of dissolution.

Millford & Barnum respond that they never engaged in any fraudulent conduct toward the Grant lawyers and LoPreto and at the present, they are unable to fulfill their commitment. (The NY Law Journal October 15th 2012)



"The Hungarian national airline Malev has folded after its financial situation became unsustainable.

"After 66 years of almost continuous operation Malev will no longer take off," the report said.

Chief executive Lorant Limburger said the immediate reason for the collapse was the demand for upfront payments by its suppliers.

Prime Minister Viktor Orban said on state radio that two Malev planes were still overseas, one in Tel Aviv, the other in the Irish Republic.

The premier said those planes were not allowed to take off because of Malev's debts.

Having stopped over in Ireland, Irving was stranded (BBC).

What's the Law?

Please email us with your comments, questions, and answers at weekly@projectfellow.org

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LAST WEEK'S CASE # 265: THE COSTLY CROSSINGS!

Having requested a metered ride, instead of fixing a price with the *monit* driver, quickly evolved into an increasingly costly picking for the Lewenstein party, as the pre-holiday bumper to bumper traffic snarling through the narrow Jerusalem streets began to sap their pockets.

After crawling for ten minutes, the traffic began to disperse and the upcoming traffic circle turned fairly

empty. The *monit* driver revved up his engine and raced towards the circle.

Pushing her double stroller with two kids on her side, Mrs. Berger observed the episode. Reaching the intersection at about the same time that the taxi did, she wondered if it was noble for her to defer the right of way to the taxi and spare the Lewenstein's from incurring a more expensive ride.

What's the Law?



The Answer:

If it is not too much of an inconvenience in doing so, it would be proper to allow the cab to go first.

Detailed Explanation:

Costly Crossings invokes the following three laws.

1. Should a legitimate and legal struggle ensue between two parties over who should earn/save more money, a third party may assist his/her friend or acquaintance. If both parties are equal strangers, we tell the third party to abstain from soliciting involvement. "How do you have the right to 'choose sides', why is A's blood redder than B's blood [Chofetz Chaim, Hilchos Rechilus, Be'er Mayim Chaim tziur 2:2].

2. Love your friend like yourself [Vayikra 19:18] as interpreted in the Talmud: Do not do to your friend that which you would not want done to you [Maseches Shabbos 31a]. Concern yourself with your neighbor's financial loss as though it was your own loss [Rambam Hilchos De'os 6:3].

3. While we cannot compel every individual to agree to concern him/herself with another's loss at the expense of incurring a considerable personal loss [Bava Metziah 33a], a person who is habitually overly concerned with him/herself will become greedy and will ultimately become needy. As such, each person must make an honest personal accounting when to place his/her personal concerns ahead of another's [ibid.]

Application

Theoretically, one could argue - if the passenger and driver are legitimately battling over the end cost of the ride, the pedestrian should not get involved by giving up her right to cross in order to favor the passenger over the driver - unless the passenger is an acquaintance. Instead, if she has the right of way, she should cross and allow for the driver to make more money off the ride.

However, since in real-life even the driver prefers a faster ride (as he hopes to pick up a new passenger as soon as possible, and make more money by beginning a new fare with its minimum initial charge), allowing the taxi to pass would benefit both the passenger as well as the driver.

As such, even if the pedestrian has the right of way, by allowing the taxi to go first, she fulfills the mitzvah of *vehavta lereacha kamocho* by saving the two from incurring a financial loss. If it is not a considerable inconvenience to do so, it is proper to defer the right of way to the taxi. ◆

***Dedicated for Refuah Sheleima for
Adina bas Chana, Chana bas Basya, Avrohom
Moshe ben Tzirel***