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## First Department Affirms Dismissal in Malpractice Action

**Date: 09/18/14**

On September 18, the New York State Supreme Court, Appellate Division, affirmed the decision dismissing claims against Willkie Farr & Gallagher LLP in a malpractice suit filed in a New York Supreme Court. The suit alleged the firm had exposed David Lichtenstein, chair and CEO of the Lightstone Group and former principal owner of the Extended Stay, Inc. hotel company, to liability after heeding advice allegedly given by Willkie Farr lawyers to put Extended Stay, Inc. into bankruptcy.

In an April 26, 2013 ruling, New York State Supreme Court granted Willkie Farr's motion to dismiss, ruling that the law firm was not negligent in its advice to Lichtenstein and finding that the firm had provided advice consistent with the ordinary reasonable skill and knowledge possessed by a member of the legal profession. On September 18, 2014, the Appellate Division, in a unanimous opinion, affirmed the 2013 decision, ruling that the plaintiffs' argument "had no merit."

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### Attorney

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