



Antony Lembersky

Of Counsel

antony.lembersky@wilsonelser.com

New York, NY – 212.915.5585

Antony Lembersky represents institutions in complex commercial litigation matters, providing clients with innovative and timely strategic counsel to help them make better-informed decisions, resolve complex legal challenges and achieve specific business goals. Antony spent most of his legal career in civil litigation, representing individuals and businesses throughout the federal and state courts of New York and New Jersey. He has successfully argued dispositive motions and conducted jury and bench trials.

Education

- Benjamin N. Cardozo School of Law, Yeshiva University (J.D., 2011)
 - Bet Tzedek Legal Services Clinic
- Fordham University (B.A. in Economics, 2007)
 - magna cum laude

Bar Admissions

- New York
- New Jersey

Court Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey

Languages

Services

- Commercial Litigation

- Russian

Client Wins

Cash and Lembersky Secure Unanimous Defense Verdict for New York City Casino

Joshua Cash (Partner-New York, NY) and Antony Lembersky (Of Counsel-New York, NY) secured a unanimous defense verdict in Queens County Supreme Court in a liability matter involving a patron who allegedly tripped, but did not fall, at their casino client's facility – the first in New York City with live table games. The plaintiff, a 43-year-old male casino regular, alleged that while he was exiting the casino, he tripped over a raised metal floor saddle serving as the transition between the casino floor's indoor carpeting and the cement MTA Skybridge leading to the A-Train. He alleged that because his right big toe struck the metal, his open-toed sandal, or slide, violently ripped open. Fortunately for the casino, the incident was captured on surveillance video and was played for the jury multiple times. Even the plaintiff's counsel acknowledged, in both his opening and closing remarks to the jury, that after seeing the video, you may ask yourself, "That's it?" Joshua and Antony emphasized that the plaintiff merely stubbed his toe, and that the jury should focus on the credible evidence and the more likely scenario: his slide ripped first, causing his right toe to fall out and hit the metal floor saddle. They used approximately 35 minutes of video recorded before the incident to show the jury that as many as 167 people walked over the same metal floor saddle where the plaintiff stubbed his toe without issue. The 11-minute video filmed post-incident also showed dozens of additional patrons traversing the area, many wearing similar open-toe sandals. In addition, the responding security officer testified on behalf of the casino that his inspection of the metal floor saddle immediately after the incident revealed no signs that it was raised or bent, and that it was flush with the surrounding floor. The jury deliberated for less than 20 minutes before unanimously deciding that the area where the plaintiff fell was reasonably safe. Although the matter never got to damages, the plaintiff underwent bunion surgery on his right toe/foot, which he claimed was traumatically induced, and formally demanded \$495,000 to settle the case. Prior to jury selection, the plaintiff's counsel reduced the demand to \$80,000, but the client chose to have the Wilson Elser team make its case in the courtroom.