Frost Brown Todd Secures Major Appellate Victory in Manhattan

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Frost Brown Todd (FBT) has achieved a significant appellate victory in Manhattan, successfully overturning a $27 million ex parte attachment order obtained by New York lenders against their Texas-based clients. This win not only preserved the operational viability of the clients—leaders in the helicopter services and manufacturing industry—but also set a powerful precedent that strengthens protections for out-of-state defendants in New York courts.

The case centered on an ex parte attachment order issued on January 6, 2025, under New York's Civil Practice Law and Rules (CPLR 6201(1)), which permits asset attachment against non-resident defendants. FBT's business litigation team mounted a vigorous six-month challenge, ultimately persuading both the trial and appellate courts in Manhattan to vacate the order.

"This ruling marks a pivotal shift in how non-New York defendants can defend against asset attachments in the state," said FBT Partner Michael Richter, who spearheaded the defense with Partner Ariel Fox and New York co-counsel Lawrence M. Segan. "It affirms that non-residency alone is insufficient grounds for such drastic measures, aligning state court standards with established federal principles."

Peter Cummins, FBT's business litigation practice group leader, added: "We're proud to have delivered a result that not only protects our clients but also will serve as precedent in the future."

The appellate decision, issued on June 10, confirms that New York courts must apply a more rigorous standard before granting attachment orders against out-of-state entities. This outcome not only safeguarded FBT's clients from potential financial collapse but also reinforced the firm's reputation as a national leader in complex commercial litigation. The team worked closely with New York attorney Lawrence M. Segan.

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