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**Sahn Ward Coschignano & Baker Wins Summary Judgment
Dismissing Claim for Prescriptive Easement
over Rockaway Hunting Club Golf Course**

UNIONDALE, NY — [Sahn Ward Coschignano & Baker, PLLC](#) attorney Christian Browne recently won a summary judgment on behalf of Rockaway Hunting Club to have a claim filed by the plaintiffs, Alex Kostovetsky and Marietta Chernerko, dismissed. Mr. Kostovetsky and Ms. Chernerko claimed that a parcel of land that abutted the golf course belonged to them because of the improvements they made to the property and that the golf club tried to block their access to the property by making their own enhancements.

The plaintiffs contended that, since December 1998, they beautified the property by landscaping, planting trees and installing lawn sprinklers and also enjoyed use of the land by sunbathing, hosting parties and letting their children play football. They claimed that they were never informed that piece of land belonged to the defendant and, as such, they had no right to perform such work on the land. On August 2, 2011, a surveyor alerted the plaintiffs that part of the property — where beautifications were made — belonged to the defendants.

On May 20, 2012, when an employee with The Rockaway Hunting Club attempted to plant a line of trees, the plaintiffs argued the trees would block their access to the property and limit their use and enjoyment of the property. Fearing that they would lose access and the sprinklers they installed would be destroyed, they filed an injunction, which was later denied.

On January 6, 2014, New York State Supreme Court Judge Steven M. Jaeger granted the defendant's motion to have the claim against them dismissed. The judge ruled that the plaintiffs failed to establish a right to or over the defendant's property, stating that because they enjoyed the use of the land and beautified the property did not mean they owned it outright. The plaintiffs styled a claim for prescriptive easement while the golf club maintained that the allegations did not describe that form of interest.

“The plaintiffs thought they found a loophole in the law by claiming prescriptive easement, not adverse possession,” said Mr. Browne, a Partner with the firm. “But the allegations in the complaint are what you expect in an adverse possession case. The court agreed with our position and granted summary judgment.”