



Edward J. Heppt

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Areas of Practice

Litigation / Trial Practice | Real Estate Law | Arbitration | Mediation | Construction Dispute Resolution | Global Transport | Labor and Employment

Mr. Heppt is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP and serves as the Head of the Firm's Aviation Litigation Practice.

Mr. Heppt's practice focuses on aviation litigation and complex commercial litigation, matters that require development of deliberate start-to-finish strategies, use of procedural devices to advance objectives, and presentation of arguments in compelling written form, always with a view toward aligning litigation strategy with his clients' broader business goals. Mr. Heppt has applied these skills in aviation disputes, real estate disputes, shareholder derivative suits, partnership disputes, purchase and leasing disputes, and business divorces that involve the dissolution and valuation of jointly held entities.

While his experience covers a range of businesses, Mr. Heppt has gained the most industry-specific recognition in aviation litigation, representing airlines, lessors, owners, purchasers and sellers, operators, and maintenance providers in high-stakes disputes. He regularly handles conflicts involving lease and financing defaults, repossession of airframes, engines and equipment, return condition disputes, warranty and manufacturer disputes, insurance coverage claims, maintenance and repair issues, delivery delays, and engine claims relating to foreign object damage. His list of representative matters is detailed below, but one of Mr. Heppt's more notable accomplishments includes winning a \$409 million judgment – the largest ever in the firm's 130+ year existence – after a federal bench trial in the SDNY. In that precedent-setting case, Mr. Heppt obtained the first ever order from a U.S. court enforcing the Cape Town Convention to repossess a commercial aircraft located in Asia.

Aside from litigation, Mr. Heppt regularly guides aviation clients through pre-litigation disputes on a wide range of matters, including disputes over landing gear exchange and services agreements, delays in delivery of aircraft and equipment, disputes arising from maintenance and repair shop visits, engine return conditions, and failed leasing and purchase transactions.

Experience

Aviation Litigation

- Obtained \$409 million judgment on behalf of an owner/lessor of three Boeing 747-8F freighter aircraft after a federal bench trial involving breach of lease agreements and corporate guaranties. Advised on offshore post-judgment collection efforts and ultimately achieved full satisfaction of judgments.
- Obtained preliminary injunction on behalf of owner/lessor of commercial aircraft requiring lessee to convey title to two replacement engines of equal or greater value. Obtained non-compliance sanctions against lessee and parent company exceeding \$6 million.
- Obtained the first ever order from a U.S. court enforcing the Cape Town Convention by granting immediate possession of a commercial aircraft to its owner. This order facilitated the repossession of the aircraft in Asia and enabled the owner to place the aircraft on lease before final determination of its claims.
- Successfully prosecuted claims on behalf of a mid-life passenger and freighter aircraft leasing and trading company against the seller of an Airbus A321-200 airframe, asserting replevin and specific performance of the parties' purchase agreement. Commenced the action by emergency motion and obtained a court order prohibiting the seller from contracting to sell, lease, transfer, pledge, assign, liquidate or encumber the airframe during the pendency of the lawsuit.
- Defense of an aircraft conversion and trading company in an action brought by an airframe conversion facility.
- Obtained an order granting summary judgment in favor of the seller of an Embraer Legacy 600 aircraft with Rolls-Royce engines, declaring that the seller is entitled to the contract deposit and directing the purchaser to pay the seller's attorneys' fees and expenses.
- Obtained permission to commence an action under seal in the SDNY for the repossession of three General Electric aircraft engines in Ireland. Obtained an *ex parte* order enforcing the Cape Town Convention, granting the lessor of the engines immediate possession and enjoining the lessee from preventing the engines from being flown to the United States.
- Representation of multiple airlines in disputes concerning the return conditions of leased aircraft engines in matters requiring expert testimony concerning the root cause of damage to the engines, including whether the damage was caused by a foreign object, operational wear and tear, or other factors.
- Defense of the guarantor of a leased Bombardier Model CL-600 2B16 aircraft in an action that involved the enforceability of liquidated damages provisions and whether the lessor acted in a commercially reasonable manner in carrying out the sale of the aircraft.
- Prosecution of claims on behalf of the purchaser of a GE90-115B aircraft engine, asserting claims against the seller and the seller's agent for breach of warranty, negligent misrepresentation and fraud.
- Successfully litigated a dispute over the allocation of insurance proceeds resulting from the total economic loss of a 2000 Gulfstream Aerospace G-V aircraft.

Commercial Litigation

- Counsel for plaintiff in a Commercial Division jury trial in New York County Supreme between co-founders of a successful business that settled for \$3.5 million during jury deliberations.
- Obtained dismissal of breach of fiduciary duty and waste claims asserted against four directors of a large charity in an adversary proceeding in the U.S. Bankruptcy Court, S.D.N.Y.
- Defense of principals and an off-shore fund in a class action by foreign investors alleging fraud and breach of fiduciary duty.
- Obtained dismissal of claims for the dissolution of several jointly-owned realty-holding companies in connection with a litigation between two partners of a real estate investment and brokerage company.
- Obtained a TRO and preliminary injunction on behalf of the non-managing member of a LLC, granting the non-managing member exclusive authority and control over the construction and development of a high-end condominium project.
- Obtained a TRO enjoining the managing members of a real estate holding LLC from accessing the company's bank accounts in connection with the construction and development of a condominium building.
- Obtained partial summary judgment in favor of a real estate brokerage company in connection with a litigation involving competing claims to millions of dollars in brokerage commissions.
- Obtained dismissal of an appeal filed in the Appellate Division, First Department by a shareholder of a cooperative building who sought over \$55 million in damages against the board of directors of the cooperative.
- Obtained dismissal of a complaint seeking over \$1 million in commercial real estate brokerage commissions in connection with the leasing of commercial space in Jersey City, New Jersey.
- Obtained favorable settlements for a large bank in connection with several actions involving financial fraud resulting from the misconduct of the bank's former branch manager.

Publications

- Speaker, Aircraft Financing Subcommittee 2023 update on aviation litigation decisions, American Bar Association's Business Law Section Fall Meeting, September 7, 2023.
- Panelist, "The impact of Cape Town's remedies pending final determination on repossession rights in US courts," American Bar Association's Aviation and Space Finance Conference, December 8, 2022.
- SGR Litigation Blog: [Waiver Of Money Damages And The Inadvertent Consent To Injunctive Relief](#), September 21, 2020.
- SGR Litigation Blog: [The East River Divide](#), July 20, 2020.
- SGR Litigation Blog: [How Should Co-Ops, Condos and Office Buildings Adjust To New York's Social Distancing Guidelines?](#), May 20, 2020.
- SGR Litigation Blog: [Does The Money In Your Bank Account Really Belong To You?](#), April 15, 2020.
- SGR Litigation Blog: [Updates: New York Federal & State Courts](#), April 13, 2020.

- SGR Litigation Blog: [Response by the New York Federal & State Courts to COVID-19](#), April 1, 2020.

Admissions

New York State Courts
Southern District of New York
Eastern District of New York
Second Circuit Court of Appeals

Memberships

New York City Bar Association
New York Bar Association
Member of the New York City Bar Association's Council on Judicial Administration
Former Secretary of the State Courts of Superior Jurisdiction Committee for the New York City Bar Association

Recognitions

Best Lawyers: Ones to Watch® in America, Commercial Litigation (2026)
New York Super Lawyers - Rising Star (2018 - 2022)