
 MILLER LAW OFFICES, PLLC	<div>May, 2025</div> <div>OUT OF BOUNDS</div> <div>Volume 4, Number 1</div>
	<i>Don't Judge a Parcel by Its Papers</i>
<p>We are pleased to share this victory with our clients and colleagues and look forward to the opportunity to continue to share good news.</p>  <p>Prior Newsletters can be viewed and downloaded from: https://mlo.law/decisions-of-interest/</p> <p>MILLER LAW OFFICES, PLLC is a general practice law firm with an emphasis in Corporate Law and Commercial Litigation in New York.</p> <p>MILLER LAW OFFICES, PLLC 23 Langdon Place Lynbrook, NY 11563 Office (516) 569-0440 Fax: (516) 224-0249 Web: www.mlo.law</p>	<p><i>Angiolillo v. Castellano</i> is a prime example of the difference between <i>facts on paper</i> and <i>facts on the ground</i>. The case was a garden variety property line dispute between abutting homeowners, each claiming ownership of a driveway.</p> <p>According to the survey, a portion of the driveway clearly rested on the Defendants’ property. However, a visitor would likely conclude that the driveway belonged to our clients (the Plaintiffs) because it (i) is in front of their home and (ii) is on their side of the property fence.</p> <p>Our clients retained us after the Defendants took steps to erect a new fence reflecting the surveyed property line which ran down the middle of our clients’ driveway! The fence would have rendered the driveway functionally useless.</p> <p>We sued, arguing that our clients acquired certain property rights to the driveway through decades of uninterrupted and exclusive use. Miller Law Offices asserted that the driveway either (i) now belonged to the Plaintiffs by adverse possession, or (ii) the Plaintiffs had acquired an easement allowing permanent use. We also secured a preliminary injunction barring the Defendants from erecting a fence until the case could be decided on the merits.</p> <p>Remember the playground taunts, “finders’ keepers, losers’ weepers” and “possession is nine tenths of the law?” While not exactly legal doctrines, these barbs aren’t far off in many material respects.</p> <p>The case progressed through a series of motions and cross-motions before the Supreme Court of Suffolk County. In the end, the Court dismissed the Defendants’ defenses of (i) federal preemption and (ii) lack of jurisdiction.</p> <p>Federal Preemption, simply put, occurs when a federal law overrides a conflicting state or local law. Picture this: your town sets a 30 mph speed limit, but the federal government passes a nationwide limit of 40 mph. The town can’t ticket you for going 35 mph because the federal rule prevails.</p> <p>Jurisdiction refers to a court’s authority to hear a case. Our judicial system involves a complex interplay between state and federal courts. Some cases can be brought in either court system. Some cases – like bankruptcy or copyright infringement - can only be brought in a federal court. The flip side is also true; some cases – like divorce actions - can only be brought in a state court.</p> <p>Defendants reminded the Court that the property was, on paper, “legally” theirs. They also argued that they could trace their property rights in a straight line back to March 3, 1665 – that is not a typo! – from the then Duke of York to Richard Smith, the original landowner. Accordingly, they maintained that they cannot be dispossessed of the driveway - ever. Moreover, they argued that only a federal court had the power - jurisdiction - to decide the case.</p> <p>In effect, they Defendants claimed that a nearly 400-year-old land patent insulated them from both state law and state court authority, as if their deed was the same as a royal decree that is immune from challenge.</p> <p>We dismantled this argument piece by piece. Miller Law Offices explained that a land patent is merely a record of the first transfer of land from the sovereign to a private owner. While historically significant, it confers no eternal immunity from property disputes. Once land passes from the sovereign to private hands, it becomes subject to state law. We showed the Court that the Defendants’ land patent defense was meritless, having been unsuccessfully tested in various courts throughout the country for centuries.</p> <p>We supported our position by citing a mid-19th-century U.S. Supreme Court decision establishing that land, once alienated from the sovereign, is governed by state - not federal - property law. Despite this precedent, Defendants clung to a discredited theory that has repeatedly been rejected by courts across the country, and sometimes even held to be frivolous and sanctionable.</p> <p>Judge C. Stephen Hackeling, J.S.C., saw through the Defendants’ tactics. In a concise but pointed decision, he denied the Defendants’ motion for judgment, and he also granted our motion to dismiss the jurisdiction and preemption defenses. The ruling confirmed that Defendants’ defenses were without merit. The Court would not allow them to rewrite the history of property law.</p> <p>With Defendants’ motion and the baseless defenses cleared off the table, the case returned to its core issue - a property dispute between neighbors. Free from distraction, the parties reached a resolution on terms that were favorable to our clients.</p> <p>We appreciate our clients’ trust in us and look forward to keeping you updated on future wins.</p>