

Appellate Court Unanimously Affirms Lower Court's Decision Upholding Merchants NY Cigar Bar's Tobacco Bar Registration

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NYC Cigar Bar wins five year legal battle with New York City Health Department

Merchants NY Cigar Bar, the go-to smoke spot on New York's Upper East Side since 1997, triumphed in its five-year long legal battle when the New York State Supreme Court, Appellate Division, First Department, in a unanimous decision dated March 27, 2008, upheld the lower court's decision of a year earlier which concluded that the Department of Health arbitrarily and capriciously wrongly denied "tobacco bar" registration status.

The Department of Health had asserted fourteen (14) separate reasons why the Cigar Bar should be denied registration. The Appellate Division rejected all of them finding that the Health Department's denial of tobacco bar status was "arbitrary and capricious" and none of the reasons for denial justified "the drastic penalty of shutting down petitioner's business."

"We are extremely pleased that the Court recognized what our clientele have known for over 10 years," said Abraham Merchant, a principal along with Andy Emmet and Richard Cohn. "Our guests can now relax and enjoy their cigars and favorite libations without fear that the Health Department will be issuing violations or trying to shut us down."

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