

CRAIN'S

NEW YORK BUSINESS®

GRIDLOCK

Editorial
See Page 12
Should NYC
try congestion
pricing?

Vote @NewYorkBusiness.com



VOL. XXII, NO. 50 WWW.NEYORKBUSINESS.COM

DECEMBER 11-17, 2006 PRICE: \$3.00

Ugly legal battle burns landmark restaurant

Fight is over; One if by Land must restore reputation

BY LISA FICKENSCHER

ONE IF BY LAND, TWO IF BY SEA, the storied Greenwich Village restaurant where marriage proposals are popped more often than champagne corks, is gearing up for its 35th anniversary.

But far more important to its owners is another milestone: the apparent end of seven years of nasty litigation that has sullied their reputation and left One if by Land bruised and battered. The 15th-most popular eatery in the city nearly a decade ago ranks No. 41 today, according to the 2007 New York *Zagat Survey*.

"We are working very hard on a revival of the restaurant," says Noury Goujjane, who owns the venerable spot with his wife, Colleen. "The legal expenses were taking away from our ability to invest in the business."

Mr. Goujjane, 43, is reluctant to discuss the suit, the details of which have never been revealed publicly. Court documents read like a Joyce Carol Oates novel, simmering with family betrayal and sensational accusations.

The salacious tale began in August 1999, when One if by Land co-founder and owner Armand Braiger died unexpectedly at the age of 69. Instead of leaving his \$3 million fortune to family members, Mr. Braiger named his business partner, Mr. Goujjane, the executor of his estate, which included the restaurant.

A question of control

MR. BRAIGER'S spurned sisters—Leonore Spinell and Adele Wooters, who has since died—filed a lawsuit shortly after.

They claimed that Mr. Goujjane, a married father of two, had used a sexual relationship with their brother to gain control of his assets. They also accused him of tampering with the will.

"We had hoped to keep the restaurant in the family," Ms. Spinell said through her lawyer, Marc Mandel.

The ensuing battle drained the restaurant of cash for reinvestment at a time when the city's dining landscape was rapidly changing. With the rise of celebrity chefs such as Mario Batali, new entries, like his Babbo, siphoned business from mainstays like One if by Land.

The lower Manhattan landmark, often described as the city's most romantic dining venue, could no longer thrive on its reputation as the place where people go to become engaged or celebrate anniversaries. "Being a special-occasion restaurant is not enough anymore," says industry consultant Clark Wolf.

The lawsuit even prevented the Goujjanes from keeping up with simple maintenance. "If we needed new chairs, we had to think twice about it," Mr. Goujjane says.

The main concern of the plaintiffs, however, was that Mr. Braiger had been taken advantage of. The sisters maintained that their brother had remained despondent over the death of his life and business partner, Mario DeMartini, in 1989 and was incapable of making a competent decision about his estate. The couple had bought the two-story, 18th-century carriage house together and turned it into a restaurant in 1972.

According to court records, Mr. Braiger became convinced that he needed a successor. He met Mr. Goujjane at a Florida restaurant in 1991 and decided that the Paris native fit the bill. Two years later, the one-time waiter was the general manager of One if by Land.

Soon after that, Mr. Braiger transferred shares of the business to Mr. Goujjane, whom he referred to as "the future of the restaurant," according to court documents. Mr.



CARRIAGE HOUSE DIVIDED: The family of the original owner said the work manipulated.

Braiger also bought a house in the West Village for Mr. Goujjane and his family.

Upon Mr. Braiger's death, the sisters—who were each left \$250,000 from life insurance policies—accused Mr. Goujjane of "intentionally hustling" their brother.

Mr. Goujjane denied the accusations, describing his friendship with Mr. Braiger as a father-son relationship. He insisted that Mr. Braiger made his own decisions.

Two judges apparently agreed. In April 2005, a Surrogate Court judge ruled that Mr. Braiger was not coerced into anything. The court also found no evidence that Mr. Goujjane had tampered with the will.

Two months ago, Ms. Spinell lost her appeal. Mr. Mandel filed a motion last month for the appeals court to rehear the case, but he concedes that "these motions are sparingly granted."

Renewed hope

THE MOST RECENT court decision has given Mr. Goujjane fresh hope. His next challenge will be to attract a new generation of diners to the

'If we needed new chairs, we had to think twice about it,' the owner says

classic eatery, which has four fireplaces and is famous for its Beef Wellington.

Among improvements under way are the installation of new lighting and carpeting. Additionally, the menu is being updated and expanded to include options other than the \$75 prix fixe dinner.

Mr. Goujjane would not discuss the restaurant's finances. Industry consultant Arlene Spiegel says, however, that the 140-seat restaurant should be doing \$7 million to \$9 million in annual revenues.

"Despite the difficulties they have faced, they have the ingredients for success if they can become more relevant to diners," Ms. Spiegel says.

Chief among the advantages possessed by One if by Land, Two if by Sea is that it is well-known and that no landlord can raise the rent, because the Goujjane family owns the building.

"I know the restaurant has been famous for being very traditional," Mr. Goujjane says. "I want to bring it down a notch, to be a restaurant where you feel less intimidated to come in."

COMMENTS? LFickensch@crain.com