

REAL ESTATE LITIGATION

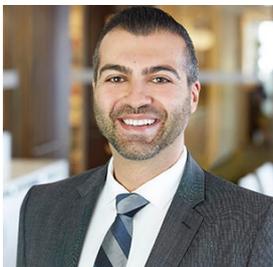
Today's real estate environment has produced a never-ending flood of litigation issues in virtually every segment of the real estate industry. Beyond our nationally recognized real estate transactional practice, the firm's real estate litigation attorneys are well-equipped to represent clients in all aspects of residential and commercial real estate litigation, including, but not limited to, the following:

- Broker commissions disputes
- Construction disputes
- Disputes between buyers and sellers
- Eminent Domain
- Escrow disputes
- Foreclosure actions
- Fraud and breach of contract disputes
- Landlord/tenant disputes for both commercial and residential properties
- Lender liability claims
- Mortgage disputes, including unfair business practices, fraud, misrepresentation, and Civil RICO (Federal Racketeer Influenced and Corrupt Organizations Act) issues
- Property disputes, including boundary disputes, quiet title actions, hazardous waste contamination, and issues involving CERCLA (Comprehensive Environmental Response, Compensation, and Liability ACT)
- Title disputes and title insurance disputes
- Zoning disputes

Professionals



MICHAEL BLUMENFELD
PARTNER



ARASH BERAL
PARTNER



DAWN B. EYERLY
PARTNER AND CO-GENERAL COUNSEL



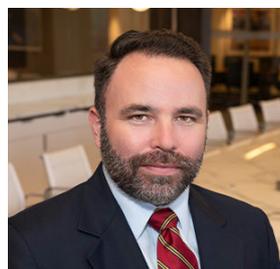
JOANNE M. FRASCA
PARTNER



JOHN P. GODSIL
PARTNER



JEFFREY S. GOODFRIED
PARTNER



DANIEL S. JONATHAN
SENIOR COUNSEL



TODD M. LANDER
PARTNER



BRADLEY D. ROSS
GENERAL COUNSEL

Representative Clients and Matters

- » Obtained recovery of over \$450,000 plus all attorneys' fees incurred on behalf of a real estate investment firm that was defrauded during the purchase of a commercial property.
- » A \$10.5 million dollar judgment in a partnership dispute relating to the ownership and construction of a luxury high-rise condominium project located in Los Angeles.
- » A \$5.5 million dollar claim against a California based mortgage lender, involving issues of fraud, misrepresentation, unfair business practices and Civil RICO obtained through litigation in the federal district court in Northern California.
- » A complete defense verdict, following a six (6) week jury trial in a case brought by a general contractor who claimed a fifty percent (50%) partnership interest in a \$50 million dollar real estate development in Los Angeles.
- » The successful prosecution of an action for partition of a large parcel of real property valued in excess of \$20 million.
- » The prosecution of a six (6) month jury trial in federal district court, involving claims of fraud and misrepresentation in the buy-out of a partnership interest in a real estate development.
- » The defense and prosecution of claims relating to hazardous waste contamination issues involved in commercial real estate ventures.
- » Acted for and successfully tried a dispute on behalf of a financial institution that saw its lessor's interest in a commercial tenancy foreclosed upon, after which the foreclosing party petitioned for bankruptcy and the bankruptcy trustee rejected the lease under Section 365 of the Bankruptcy Code. The incoming lessor asserted that an attornment and non-disturbance clause in the institution's lease compelled the institution to honor that lease – which was negotiated and executed at market values substantially in excess of those at the time of the foreclosure and bankruptcy – triggering a first impression case concerning the efficacy and implication of the attornment and non-disturbance provisions. Trial concluded in a judgment for the institution, on the basis that the foreclosure and the subsequent bankruptcy rejection had vitiated the lease notwithstanding the attornment and non-disturbance clause.
- » Successfully represented former owner of large commercial property against CERCLA contribution claims by present owner, after contamination was discovered on the property. The case entailed sophisticated issues of allocation of fault, and ultimately entailed defeating a summary judgment motion for indemnity filed by the client's successor in interest (the client sold its business to the successor several years after vacating the property in question, and the buyer was sued as a successor) and pursuing summary judgment on the question of whether the client was an owner or operator under CERCLA. The case was resolved favorably while the latter summary judgment was pending.
- » Obtained highly favorable settlement for a nationally known retailer following the destruction of its corporate headquarters due to construction defects.
- » Successfully represented marina operator in development dispute and environmental contamination action involving the Sacramento Delta.
- » Obtained \$10+ million judgment on behalf of a bank in connection with a loan dispute regarding a 120 residence real estate development.