

## Real Estate

Our real estate litigators handle the full range of commercial real property disputes. We have successfully resolved, through victory at trial, arbitration award, or favorable settlement, disputes arising out of real estate purchase agreements, including actions seeking money damages and actions to compel specific performance. We have litigated many disputes involving real property purchase options and leases in which control over real property was at stake. We have handled innumerable commercial lease disputes, encompassing just about every commercial lease issue that has arisen in California in recent years.

In addition to purchase agreements and commercial leases, we represent real estate professionals in connection with all aspects of asset management, including valuation disputes or fiduciary duty claims raised by investors or third parties. We also handle disputes with or among real estate brokers; disputes involving escrow agreements and title insurance policies; disputes between secured creditors and property owners or among creditors; boundary disputes between commercial properties and nuisance and trespass claims; and claims for damage to real property. We also have attorneys with highly specialized expertise in related issues of property and liability insurance coverage, and in construction disputes.

Our real estate litigators include experienced trial attorneys who represent developers, building owners, syndicators, asset managers, real estate fund promoters and managers, public entities, and tenants ranging from Fortune 500 companies to large law firms to significant retail establishments. Our approach to real estate recognizes the client's business purposes in entering into the underlying transaction and we strive to litigate efficiently and to deliver value for litigation dollars expended. Our real estate litigation attorneys work closely with our Real Estate Department, whose attorneys have extensive experience in leasing transactions, corporate facilities, financing and workouts, formation and operation of funds, and retail and restaurant transactions. Because many real estate agreements and commercial leases contain arbitration provisions, our real estate litigators are experienced in all aspects of alternative dispute resolution, including mediation and arbitration.

### Representative Matters

After securing Court of Appeal reversal of trial court's denial of a petition to compel arbitration, prevailed in arbitration on behalf of ground lessor against ground tenant under long-term lease of real property worth over \$100 million. Arbitrator awarded every penny of attorneys' fees and costs.

Successfully defended in a JAMS arbitration a developer against a \$5 million claim by an investor in a failed commercial project.

Prevailed in a JAMS arbitration on behalf of an investor in a real estate limited liability company, rectifying the failure of the LLC's manager to make distributions in accordance with the operating agreement.

Won a \$3 Million jury verdict plus attorneys' fees on behalf of real estate brokers who were owed a commission on a high-tech campus transaction, while defeating claims of fraud and breach of fiduciary duty against those brokers.

Resolved a long-term ground lease dispute in Texas by selling the leased property to the tenant for \$5.5 Million.

Successfully reversed adverse interim awards and then obtained favorable award for commercial landlord in baseball-style rent adjustment arbitration, adding over \$8 Million of present value to the lease.

Became counsel for owner in a construction defect case concerning luxury residence after litigation had been pending for three years. The highest offers totaled \$400,000 and the highly-skilled mediator advised that the maximum recovery through settlement would be around \$1.2 million. After taking a series of depositions, the case settled in 5 months for \$2.6 million.

## News & Insights

### 10.5.12 / Media

Jury finds Hitachi owes \$3M to brokers

SAN JOSE - Former CPS brokers Joe Moriarty, Greg Davies and Eric Fox claimed they...

Nathan Donato-Weinstein, San Jose Business Journal

### 6.13.11 / Media

Private foreclosure sale blocked

A Santa Clara County court ruling last week added some much needed clarity to a...

Petra Pasternak, The Recorder

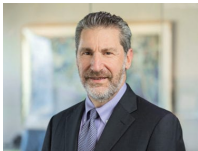
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