

Real Estate Disputes

Our approach to resolving real estate disputes recognizes the client's business purposes in entering into the underlying transaction. Starting there, we strive for efficient advocacy, delivering value for each litigation dollar expended.

Our real estate litigators handle the full range of commercial real property disputes. We have successfully resolved disputes arising out of real estate purchase agreements, including actions seeking money damages or 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. In addition, we have handled innumerable commercial lease disputes, encompassing just about every commercial lease issue that has arisen in California in recent years. We assist our real estate development and asset management clients in almost every type of dispute that can arise at any point in the life of a project or investment.

In addition to purchase agreements and commercial leases, we represent real estate professionals in connection with all aspects of asset management, including valuation disputes and fiduciary duty claims raised by investors or third parties. We have handled disputes involving:

- real estate brokers
- escrow agreements
- title insurance policies
- secured creditors
- receiverships
- quiet title actions
- eminent domain
- boundary issues

RELATED ATTORNEYS

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- nuisance and trespass claims
- claims for damage to real property

Helpful in many situations, several of our attorneys have specialized expertise in property and liability insurance coverage issues, real estate-related bankruptcy claims, construction disputes, and regulatory compliance issues.

Representation of Clients Throughout the Real Estate Industry

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. When necessary, our litigators work closely with our Real Estate transactional attorneys, who 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 (ADR), including mediation and arbitration.

Experience

- Represented a landlord after a publicly traded biotech company breached a long-term lease and abandoned the leased premises, winning a multimillion-dollar affirmative summary adjudication motion and settling the remaining claims on favorable terms on the eve of trial.
- Represented a landlord in a complex construction dispute arising from a tenant's buildout, defeating the principal claims on summary adjudication and settling the remaining claims for nuisance value.
- *RHA Properties v. Menlo Capital Group*. Served as lead trial counsel for the plaintiff, a municipal joint-powers authority, in a dispute over the sale of a residential project involving issues relating to an escrow holdback and claimed seller nondisclosures.

- *Plunkett v. Access Luxury Partners, LLC, et al.* In an Alameda Superior Court and JAMS arbitration, successfully defended a real estate developer against breach of fiduciary duty, breach of contract, and other claims by an investor.
- Won a JAMS arbitration on behalf of an investor in a real estate LLC to enforce distribution provisions in the operating agreement.
- *Penna v. Ergur.* In a San Mateo Superior Court case, defended a borrower against a claim by the lender that was barred by California anti-deficiency statutes.
- Represented a group of property owners seeking relief from a Bay Area city's downzoning of their commercial properties, winning an injunction against the city before negotiating a resolution that significantly expanded the client's options for use of their properties.
- Won a judgement prohibiting a major telecommunications company from siting an 80-foot-tall cellular communications tower in a residential neighborhood less than 40 feet away from adjacent homes.
- Represented a local property owner in a dispute against a global financial institution concerning damage done to the owner's property over several decades, leading to a mediation and a seven-figure settlement.
- Served as counsel for a developer who attempted to remodel a high-profile, historic residence and ended up in a dispute with the general contractor and the city after the contractor erroneously tore down the structure.