

Katten

Katten Muchin Rosenman LLP

REAL ESTATE LITIGATION

Our Clients

Katten's national Real Estate Litigation practice provides high-value work on behalf of a wide range of real estate industry participants, involving some of the largest real estate matters in the United States. We are retained by many of the nation's leading institutional property investors, joint ventures, developers and lenders, as well middle market investment managers and regional developers and owners.

Our Services

Blending a broad knowledge of real estate law and business practice with well-honed skills in litigation and alternative dispute resolution, our real estate litigators provide practical advice and counsel throughout the life cycle of a real estate project. Katten's Real Estate Litigation team loves a good challenge—when faced with complications, we thrive. Our team works closely with clients to develop the deep institutional knowledge needed to help them stay in front of litigation challenges and keep critical projects on track.

National property owners and real estate management companies responsible for prominent shopping centers and office and industrial buildings frequently turn to us to resolve disputes with retail and commercial tenants over unpaid rent, repair and restoration obligations, breach of ownership and financial covenants, purchase and sale agreements, and rights of first refusal.

Our experience litigating contract disputes, construction claims and zoning disputes allows us to help owners and developers effectively manage challenges related to the

RECOGNIZED BY

- *Chambers USA*
 - Real Estate (Nationwide; Illinois; North Carolina; Washington, DC) 2018, 2017
 - Real Estate: Mainly Corporate & Finance (New York) 2018, 2017
 - Real Estate: Finance (North Carolina) 2018, 2017
- *The Legal 500 United Kingdom*
 - Real Estate – Commercial Property 2019, 2017
 - Real Estate – Commercial Property: Hotels and Leisure 2019, 2017
- *The Legal 500 United States*
 - Real Estate 2018, 2017
- *U.S. News – Best Lawyers® “Best Law Firms”*
 - Litigation – Real Estate (National; New York; Washington, DC) 2019, 2018
 - Real Estate Law (National; Charlotte; Chicago; Los Angeles; New York; Washington, DC) 2019, 2018



development and construction of retail properties, condominiums, office buildings, hotels and industrial properties, and renewable energy projects.

Lender clients benefit from our extensive litigation experience with borrowers over loan commitments, loan defaults, and associated debt and collateral recovery;

"They have a deep bench and deep experience in real estate that has been developed over the years."

Chambers USA 2016
(Nationwide Real Estate)

with secured and mezzanine lenders relating to priority and intercreditor obligations; and with mechanic lienors over priority rights to the real property and loan proceeds.

We also represent real estate investors in matters involving issues of control and distribution of funds; disputes involving real estate partnerships and limited liability companies, and closely held and family corporations; and loan participations and securitized loan pools.

Our Experience

- Representation of a bank syndicate in a \$500 million litigation involving Town Square Mall in Las Vegas.
- Representation of the lender in multi-district litigation relating to the Fontainebleau Las Vegas resort.
- Frequent representation of clients in commercial lease disputes involving issues such as over- or mis-charging of building operating expenses to tenant, as well as maintenance of property by landlord.
- Representation of a bank holding company in commercial foreclosure litigations from inception to auction sale.
- Representation of a real estate investor in its efforts to develop several acres of oceanfront property on Long Island. The project required assembling several discrete parcels via the city's exercise of eminent domain and Industrial Development Agency economic benefits, including a payment in lieu of taxes schedule. We negotiated a resolution to the city's eminent domain disputes, negotiated a host benefit agreement, and secured support for the project from the city and local development corporations.
- Representation of a real estate development holding company in a \$50 million partnership dispute related to condominium development and how the company should be run.
- Representation of a mezzanine fund as a noteholder in a litigation regarding option assignment inserted into tenant lease at mortgaged property while loan was already in default; Katten succeeded in extricating interim assignee of portion of mortgage note from lawsuit by landlord borrower following foreclosure.
- Successful representation of a major downtown Washington, DC building owner committed to modernizing and redeveloping its building in litigation against several tenants determined to halt the redevelopment efforts, and advised other DC building owners facing similar tenant challenges prior to litigation being filed.
- Representation of a mezzanine lender that took over the operation of a luxury golf course on Florida's Gulf Coast against fraud, negligent misrepresentation and breach of contract claims by club members arising from the course's closure.
- Representation of an optionee on an action to exercise the option to purchase Chicago commercial property and related tortious interference claims.
- Successful representation of waterfront landowners in a years-long land use and environmental dispute involving the Critical Area regulations in the Chesapeake Bay region. This case ended up before the Maryland Court of Appeals with a successful result in the highest court in the state.
- Successful representation of a national real estate developer in construction arbitration in North Carolina against its general contractor obtaining a \$14 million judgment.
- Representation of a national real estate developer in construction litigation with a state agency over the redevelopment of several state buildings, successfully defending the client in more than \$11 million in claims and obtaining discovery sanctions award of \$90,000 against the state.
- Representation of a real estate investor regarding a \$112 million development loan agreement with a developer in connection with a branded luxury resort community development project in Arizona. The project halted after the initial development fell

significantly behind schedule and the prospects of obtaining construction financing evaporated with the collapse of the credit and real estate markets. After more than three years of litigation, the cases were settled on terms favorable to Katten's client.

- Representation of a real estate investor in disputes regarding mortgage financing provided for the construction of a luxury condominium in Manhattan.
- Counsel regarding issues related to defense of government effort to seize partnership interest in mid-town commercial building.
- Provision of assistance to a real estate investor in settling a construction dispute regarding water damage to a hotel.
- Representation of landlords in regard to holdover and non-payment of rent disputes wherein landlord successfully evicted tenants. Katten obtained amicable resolutions to threatened litigations.
- Representation of a real estate investor in a lender liability action commenced by mezzanine lender seeking \$13.2 million in damages plus accrued interest, costs and attorneys' fees. The case was successfully settled for \$25,000.
- Representation of a real estate investor in a foreclosure action on a mortgage assigned to Katten's client that covers property located in Ulster County, New York.