



Real Estate Litigation

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Overview

A DIVERSE INDUSTRY WITH DIVERSE ISSUES

Real estate litigation can be as varied as the parties and the projects involved. The types of parties include lenders and borrowers, developers, property owners, REITs, investors, brokers and lawyers. Their projects range from commercial developments in the city to residential developments in the suburbs. Given the diverse nature of the real estate industry, there is always a potential for disputes. Real estate litigation often arises over matters involving:

- Zoning and land use
- Environmental issues
- Landlord and tenant rights
- Restrictive covenants and deeds
- Acquisition rights
- Title claims and insurance disputes
- Bankruptcy and creditors' rights issues

GOOD JUDGMENT AND DEEP EXPERIENCE

We bring to bear our extensive knowledge of the real estate industry and each client's business to determine the most practical and cost-efficient strategy to resolve a dispute. We first evaluate an alternative dispute resolution method, such as negotiation, settlement or mediation. When litigation becomes inevitable, we are your go-to team.

With deep experience in handling real estate disputes in federal and state courts as well as before governmental entities and arbitration panels, we have successfully fought for clients in lawsuits involving:

- Common law claims, such as fraud, breach of contract and specific performance seeking to enforce the contract
- Statutory claims, such as the Real Estate Settlement Procedures Act (RESPA), the Truth in Lending

Act (TILA) and the Unfair and Deceptive Trade Practices Acts enacted by various states

EXPERIENCE

- Prosecution of fraud, civil conspiracy and aiding and abetting claims against two Am Law 100 law firms and a global appraisal firm in connection with a multi-million dollar investment in real estate.
- Obtained award in favor of defendant at partition matter, as well as award on counterclaim in favor of client for improvements made to commercial property.
- Obtained decision overturning tax sale of commercial property and return of ownership of property to client.
- Prosecuted confession of judgment action and defense of lender liability claim resulting in complete recovery of debt as well as an award of \$500,000 in attorneys' fees.
- Achieved favorable settlement for investors in real estate transaction where \$1 million deposit was wrongfully released from escrow and the deal never closed.
- Represented major real estate developer in defense of fraudulent transfer litigation seeking recovery of \$20 million arising from the Arthur D. Little bankruptcy case in Massachusetts.
- Secured preliminary injunction for client preventing the disposition of proceeds from the sale of property in anticipation of proof of partnership and request for charging order, and successfully negotiated resolution of dispute after a bankruptcy filing by putative partner.
- Successfully pursued a breach of commercial lease matter on behalf of a large Philadelphia tenant which resulted in the client saving several million dollars on the remaining lease payments.
- Successfully recovered in excess of \$8 million on behalf of a real estate developer in a breach of contract action against a commercial tenant.
- Represented lenders and borrowers in prosecuting and defending against confessions of judgments filed in Pennsylvania courts.