

Real Estate Litigation

Overview

At any point in the real estate cycle, litigation plays an important strategic role in advancing business goals. Our Real Estate Litigation attorneys have seen it all, and they use their deep experience to give judicious counsel on when — and how — to go to court.

Business-savvy dispute resolution

Industry participants appreciate our sophisticated legal and business perspectives, as well as our well-honed skills in litigation and alternative dispute resolution. They rely on us to resolve their most complex, high-value challenges, while keeping their projects — and their business plans — on track. Our team provides practical advice and vigorous advocacy regarding:

- Lender rights, remedies and liabilities, including debt and collateral recovery, receiverships, intercreditor disputes, and borrower defenses
- Developer disputes involving covenant, ordinance and constitutional issues
- Construction disputes over delays, defects and payments
- All sides of governance and distribution disputes involving joint ventures, limited liability companies and partnerships

National footprint

Named the 2023 "Law Firm of the Year" in Litigation – Real Estate Law by *U.S. News*, Katten's Real Estate practice extends to every major US property market and is well-positioned to address the litigation needs of property owners, financiers, developers and managers operating on both the local and national levels. Our attorneys collaborate seamlessly — from office to office and department to department — to develop strategic, often innovative, solutions to every sort of property dispute.

Our Experience

- Represented bank syndicate in \$500 million litigation involving Town Square Mall in Las Vegas.
- Represent construction loan lender in multi-district litigation relating to the Fontainebleau Las Vegas resort.

- Represent 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.
- Represent bank holding company in commercial foreclosure litigations from inception to auction sale.
- Represented 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.
- Represent real estate development holding company in \$50 million partnership dispute related to condominium development and how the company should be run.
- Represented mezzanine fund as noteholder in litigation regarding option assignment inserted into tenant lease at mortgaged property while loan was already in default. We succeeded in extricating interim assignee of portion of mortgage note from lawsuit by landlord borrower following foreclosure.
- Represented major downtown Washington, DC building owner committed to modernizing and redeveloping its building in litigation against several tenants determined to halt the redevelopment efforts. Advised other DC building owners facing similar tenant challenges prior to litigation being filed.
- Defend 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.
- Represent optionee on action to exercise the option to purchase Chicago commercial property and related tortious interference claims.
- Represented waterfront landowners in years-long land use and environmental dispute involving the Critical Area regulations in the Chesapeake Bay region. Obtained successful result from the Maryland Court of Appeals.
- Represented national real estate developer in construction arbitration in North Carolina against its general contractor. Obtained \$14 million judgment.
- Represented national real estate developer in construction litigation with state agency over the redevelopment of several state buildings. Successfully defended client in more than \$11 million in claims and obtained discovery sanctions award of \$90,000 against the state.
- Represented 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 our client.
- Represent real estate investor in disputes regarding mortgage financing provided for construction of luxury condominium in Manhattan.

- Counsel regarding issues related to defense of government effort to seize partnership interest in mid-town commercial building.
- Assist real estate investor in settling a construction dispute regarding water damage to a hotel.
- Represented landlords in regard to holdover and non-payment of rent disputes wherein landlord successfully evicted tenants. We obtained amicable resolutions to threatened litigations.
- Represent real estate investor in 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.
- Represent real estate investor in foreclosure action on a mortgage assigned to our client that covers property in Ulster County, New York.

Key Contacts



Anthony L. Paccione

Partner

New York
+1.212.940.8502
anthony.paccione@katten.com



S. Scott Morrison

Partner

Washington, DC
+1.202.625.3624
scott.morrison@katten.com



Nicole Lynn Kobrine

Partner

Washington, DC
+1.202.625.3636
nicole.kobrine@katten.com

Recognitions

Recognized or listed in the following:

- *Best Law Firms*
 - Litigation – Real Estate
 - Law Firm of the Year, 2023
 - National, 2012–2024
 - Chicago, 2024
 - New York, 2012–2024
 - Washington, DC, 2012–2024
 - Real Estate Law
 - Law Firm of the Year, 2022
 - National, 2011–2023
 - Charlotte, 2011–2024
 - Chicago, 2011–2024
 - Los Angeles, 2011–2024
 - New York, 2011–2024
 - Washington, DC, 2011–2024
- *Chambers USA*
 - Real Estate
 - Nationwide, 2012–2023
 - District of Columbia, 2016–2020
 - Illinois, 2006–2023
 - North Carolina, 2016–2018
 - Real Estate: Finance
 - North Carolina, 2012–2023
 - Real Estate: Mainly Corporate & Finance
 - New York, 2016–2019, 2021–2023
- *The Legal 500 United Kingdom*

- Real Estate
 - Commercial Property, 2012–2019
 - Commercial Property: Hospitality and Leisure, 2012–2024
 - Property Finance, 2015–2024
 - Commercial Property: Investment, 2022–2023
- *The Legal 500 United States*
 - Real Estate, 2016–2023