Real Estate Litigation

At any point in the real estate cycle, litigation can play an important strategic role in achieving business objectives. Backed by decades of hard-earned experience, our Real Estate Litigation attorneys know how to navigate the right moment — and the right strategy — for either reaching a business resolution to avoid litigation or heading into court with the best hand possible to be successful.

Insight-driven approach to real estate litigation

Industry participants appreciate our sophisticated legal and business perspectives and counsel, as well as our well-honed litigation and alternative dispute resolution skills. They rely on us to resolve their most complex, high-value, often bet-the-company challenges, while keeping their projects — and their business plans — on track.

Grounded in deep experience across real estate, land use, construction, leasing, and environmental law, the team uses its multidisciplinary knowledge to both identify potential roadblocks and expertly navigate clients through the resolution of even the most complex disputes. We have a proven track record resolving disputes across an array of real estate developments — from commercial office buildings and mixed-use projects to stadiums, corporate headquarters, hotels, regional malls and shopping centers.

Our team brings practical guidance and vigorous advocacy to matters involving:

- All types of real estate disputes, including breach of contract, fraud, and quasi-contract issues;
- Commercial lease disputes, including lease defaults, consent rights, and redevelopment disputes;
- Construction disputes over defects, delays and payments; and
- Disputes involving joint ventures, limited liability companies and partnerships.

Key Contacts

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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, financers, 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 international shopping center owner in litigation in which a tenant asserted 24 counts against the owner, including seeking a declaratory judgment that the owner was in breach of the tenant's lease for allowing other tenants to use their premises in alleged violation of the lease's use restrictions as well as seeking a declaration that the tenant was entitled to withhold rent for as long as the breach continued, which totaled more than $40 million. Initially obtained dismissal of six counts and then was awarded summary judgment on all remaining counts except five, the damages for which were reduced to the nominal amount of $5, permitting the owner to obtain a favorable settlement.
- Represented large real estate developer that owned landmark property in downtown Washington, DC in land use dispute with competing real estate developer owning adjacent property, obtaining a favorable court decision after a several-day trial, which led to a successful settlement of the litigation, avoiding a lengthy appeal.
- Represented a hospital in a $25 million litigation in federal court against a large general contractor relating to the redevelopment of property into a research and innovation campus.
- Represented individual in several intra-family disputes involving real estate and trust and estate litigations over a $50 million estate.
- Represented homeowners association of a luxury DC condominium building in a construction defect case against the general contractor, which resulted in a favorable settlement for the association.
- 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.
- 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 over defective construction of its headquarters buildings. 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 numerous commercial landlords in high-dollar leasing disputes and other complex landlord-tenant cases.
- Represented numerous real estate partnership in corporate disputes involving entity control and management.

Recognitions

Recognized or listed in the following:

- *Best Law Firms*
  - Litigation – Real Estate
    - Law Firm of the Year, 2023
    - National, 2012–2026
    - Chicago, 2024
    - New York, 2012–2026
    - Washington, DC, 2012–2026
  - Real Estate Law
    - Law Firm of the Year, 2022
    - National, 2011–2026
    - Charlotte, 2011–2026
    - Chicago, 2011–2026
    - Los Angeles, 2011–2026
    - New York, 2011–2026
    - Washington, DC, 2011–2026
- *Chambers UK*
  - Real Estate: £10-50 million
    - London (Firms), 2016–2026
  - Hotels & Leisure
    - UK-wide, 2019–2026

- *Chambers USA*
  - Real Estate
    - Nationwide, 2012–2025
    - District of Columbia, 2016–2020
    - Illinois, 2006–2025
    - North Carolina, 2016–2018
  - Real Estate: Finance
    - North Carolina, 2012–2025
  - Real Estate: Mainly Corporate & Finance
    - New York, 2016–2019, 2021-2025
- *The Legal 500 United Kingdom*
  - Hospitality and Leisure, 2012–2026
  - Property Finance, 2015–2026
- *The Legal 500 United States*
  - Real Estate, 2016–2025