

REPRESENTATIVE REAL ESTATE CASES

Siemens Building Technologies v. Interstate Construction, U.S. District Court, San Jose. Successfully prosecuted claim for extra work and delay damages by subcontractor on NASA project, while successfully defending against claim that subcontractor caused chiller plant failure leading to damage to NASA's supercomputers.

Golden Gateway Center v. Golden Gateway Tenant's Association, California Supreme Court. Obtained injunction permitting high-rise apartment complex owner to ban door-to-door leafleting by tenants association within the complex, defeating tenants association's free speech and assembly claims.

Ross Stores v. LXP. San Francisco County Superior Court; California Court of Appeal. Obtained judgment compelling seller to convey real estate for arbitrated purchase price exceeding \$20 million. Judgment included substantial damages and corresponding price reduction based on seller's failure to timely convey the property.

MDC REIT Holdings v. The Peregrine Real Estate Investment Trust. San Francisco County Superior Court. Successfully defended REIT trustees accused of improperly disapproving proposed sale of the company. Case dismissed before trial.

Brugnara v. Pollak, San Francisco County Superior Court. Obtained expungement of lis pendens and dismissal of specific performance case blocking \$13 million real estate transaction. Case dismissed upon expungement.

Ross Stores v. Chris-Town Shopping Center. Maricopa County Superior Court. Obtained summary judgment to prevent major shopping center expansion in violation of retail tenant's parking rights. Judgment led to negotiation of new lease in superior location on advantageous terms for tenant.

Ross Stores v. Casden Properties. Los Angeles County Superior Court. Obtained temporary restraining order and preliminary injunction to stop construction of a large apartment complex violating terms of commercial lease. Mediated settlement following issuance of injunction resulted in highly advantageous renegotiation of lease.

Turner Construction Company v. Harsch Investment Co. Obtained rent concessions for office tenant of \$1.5 million based on landlord's failure to complete construction and timely deliver possession of the leased premises to tenant.

Jacobson v. Safeway. Santa Clara County Superior Court. Obtained favorable settlement for national supermarket chain in lease termination case involving the alleged breach of an operating covenant and resulting loss of value to the shopping center.

California Laguna Hills Partners v. Ross Stores. Orange County Superior Court. Successfully defended national retailer against lawsuit to cancel commercial lease worth over \$2 million based on allegedly unauthorized construction work.

Williams v. Landmark Realty. San Francisco County Superior Court. Successfully defended Tenderloin apartment house owner against claim for \$3 million in damages for allegedly providing substandard housing.

Wilder v. Safeway. Lake County Superior Court. Successfully defended national supermarket chain accused of negligence in construction of shopping center causing substantial flooding in local community.

ZORO v. ZD, Inc. San Francisco County Superior Court. Obtained settlement in excess of \$1 million for owner of office building against tenant attempting to avoid landlord's profit participation upon subleasing.

Meyer Properties v. Ross Stores. Washoe County District Court; Nevada Supreme Court. Successfully defended national retailer against alleged breaches of operating covenant, use provision, and radius restrictions in shopping center lease.

Landsing Pacific Fund v. King Cole Homes. San Mateo County Superior Court; United States Bankruptcy Court for the Northern District of California. Represented lender against developer defaulting on \$2 million undersecured acquisition and development loan. Lender paid in full.

Energy Masters International v. Boston Properties. United States District Court for the Northern District of California. Representing the owner of the Embarcadero Center and other office buildings in San Francisco, obtained favorable settlement of claims by energy systems contractor arising out of aborted energy retrofit contract.

Baker v. Firestone Business Park. Monterey County Superior Court. Represented lender's receiver for 2 million square foot business park. Successfully terminated fraudulent leases by owner.

Rizzoli Bookstores, Inc. v. K&H Sutter Co. San Francisco County Superior Court. Collected \$1 million for retail tenant in claim against landlord for reimbursement of construction cost overruns.

Collins v. Upside Property Investors. Successfully defended general partners of real estate limited partnership against damage claims totaling \$1.4 million based on allegations of fraud and mismanagement. (Arbitration.)

Sternberg v. Nobman. Marin County Superior Court. Represented lender in attachment and collection of \$700,000 real estate loan on failed development. Lender paid in full.

CalCom v. Vectren. Alameda County Superior Court. Successful defense of utility/general contractor on fiber optic cable construction contract from claims of defective work and breach of contract.

Soko Bukai v. YWCA. San Francisco Superior Court. Represented charitable organization in suing for breach of trust in connection with historic building in San Francisco's Japantown. Obtained successful settlement immediately prior to trial deeding the historic home of the Japanese YWCA to a community childcare organization. Team leader named as the 2002 *California Lawyer* of the Year in the Pro Bono category for this case.

RTC v. BVS. Ninth Circuit Court of Appeals. In a published decision (42 F.3d 1206), the Ninth Circuit affirmed the Decree of Foreclosure obtained by client, Resolution Trust Corporation, allowing RTC to proceed with its judicial

foreclosure sale and obtain a deficiency judgment. Decision includes important language concerning RTC's removal rights, and limitations on the duty owed by lenders to subordinated sellers.

Sierra Gold v. ICI International et al. Sutter County Superior Court. Represented one of California's leading fruit and nut tree nurseries in an action for product liability and misrepresentation against the manufacturer of a pre-plant fumigant. The jury held for client finding that the fumigant caused a loss of almost 50% of the 1992 crop, and awarded damages in excess of \$800,000, one of the largest verdicts in county history.

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