



REAL ESTATE

In real estate litigation, Diamond McCarthy is experienced in complex issues relating to mortgage-backed securities; environmental contamination and liquidations; and in disputes involving business partners and equity partners, developers and contractors, investors and brokers, landlords and tenants, and lenders and borrowers.

We understand that real estate issues are often at the core of contentious business litigation and contractual disputes, especially when companies fold and move through bankruptcy proceedings. Our real estate litigation team works with attorneys from our real estate practice group and with other Diamond McCarthy litigators, whose focus may include commercial real estate development contracts and financing, financial institutions, securities, environmental issues or bankruptcy.

This cross-practice collaboration allows Diamond McCarthy clients to achieve maximum efficiencies while obtaining top-flight representation. It also gives our clients the right mix of talent and experience when the elements of a case cannot be confined to a single area of the law.

With our representation at trial, in out-of-court negotiations, in arbitration or at the settlement table, Diamond McCarthy clients have achieved significant financial awards, rulings and other favorable outcomes.

Our experience in the real estate litigation arena widely encompasses the prosecution and defense of a national real estate development company in disputes with its joint venture partner involving one of the largest real estate developments in the uptown area of Dallas, Texas; litigating claims in Puerto Rico on behalf of a commercial real estate developer and one of the largest commercial construction companies in the country involving loan commitment breaches against a Puerto Rican-based bank; defending a residential real estate developer in connection with arbitration and mass action proceedings brought by condominium homeowners in Houston, Texas; winning an arbitration award of nearly \$4 million for the buyer of a retail shopping center who claimed the property's condition constituted a breach of the purchase agreement; serving as U.S. litigation counsel to a German real estate company; and serving as lead partner for Mustang Athletic Corp. in its Chapter 11 bankruptcy in which we confirmed a single-asset real estate plan for the debtor after mediation with the major insurance lender.

Representative of the cross-discipline expertise within Diamond McCarthy in the real estate litigation arena is our current representation of the post-confirmation litigation trustee of Crescent Resources, a real estate holding company subsidiary of Duke Energy. We are seeking more than \$1.2 billion in damages based on fraudulent transfer and improper corporate dividend claims. The case is pending in the U.S. Bankruptcy Court for the Western District of Texas in Austin. We also are currently defending a Colorado resort developer in connection with the prosecution and defense of various claims arising from its interests in real estate properties adjoining certain of its resort properties.