

Sectors

Related Practices

Complex Commercial Litigation
Bankruptcy and Insolvency Litigation
Breach of Contract
Bankruptcy, Business Insolvency, and
Restructuring Representation
Business Divorce – Shareholder &
Partnership Disputes
Corporate Asset Affirmative Recovery
Practice
Directors and Officers Liability
Litigation
Environmental Litigation
Fiduciary and Receiver
Representation
Financial Institution Litigation
High Stakes Litigation
International Dispute Resolution
Professional Liability Litigation
Probate and Trust Litigation

Related Sectors

Energy and Natural Resources

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Real Estate

Diamond McCarthy's real estate practice encompasses acquisitions, financings, leasing, development, joint ventures, real estate funds and restructuring. We also have extensive experience in resolving all types of real estate disputes through ADR, litigation, or arbitration. In real estate litigation we handle a range of complex issues from mortgage-backed securities and environmental contamination and liquidations to significant cross-border real estate disputes among multiple parties in different jurisdictions.

Real estate can also play a part or be a major component of contentious business litigation and contractual disputes, especially in bankruptcy proceedings and recovering assets for post-confirmation litigation trusts. This is also the case for our probate and trust lawyers that invariably deal with disputed real estate assets in large estates with several parties and beneficiaries.

We represent both domestic and international clients, including institutional and private investors, and lenders, on matters involving real estate holdings in the U.S. and abroad. Our clients' projects include shopping centers, hotels, office buildings, multifamily developments, condominiums, ski and golf resorts, and mixed-use developments. Our clients range from corporate real estate developers to restaurateurs to entrepreneurs. We have represented clients in both prosecution and defense in litigation disputes between business and equity partners, developers and contractors, investors and brokers, lenders and borrowers, and landlords and tenants.

Despite the diversity and wide range of business interests, clients know they can rely on Diamond McCarthy to provide the top-quality, value-driven legal representation that today's complex real estate market demands.

Representative Experience

Financial Lender in Hotel Development Project

- A DM lawyer acted on behalf of lenders on the Fontainebleau Las Vegas project in disputes with a major bank and the project's directors and officers. Obtained favorable settlements.

Real Estate Investment Company

- A DM lawyer acted on behalf of a real estate investment company in litigation regarding the purchase and management of an apartment complex in SW United State.

Hotel Owner

- Acted on behalf of a hotel owner in defense of injunction proceedings in license dispute brought by major hotel franchisor.

Shopping Centers

- Acted on behalf of an owner of 11 shopping centers in the defeat of preliminary injunction motion seeking to restrain disputed funds of \$13 million.

Retail Chain

- Acted on behalf of corporate owner of 60 retail stores in breach of warranty action, including evidentiary hearing to obtain TRO and preliminary injunction. (VAC Service Corp. v. Car Toys, Inc., 04-03162 (S.D.N.Y.)).

Real Estate Brokerage Firm

- Acted on behalf of a real estate brokerage and architect in defense trial against architectural copyright claims in federal court. Obtained jury verdict in favor of resort developer at trial against breach of loan agreement claims.

International Real Estate Group

- Acted on behalf of a foreign institutional investor, Oxford Properties Group, an affiliate of the Ontario Municipal Employees Retirement Systems, and the Canadian Pension Plan Investment Board in connection with their investment in real estate funds and joint ventures with respect to the acquisition and development of properties in the United States.

Real Estate Shareholder Disputes

- Acted on behalf of majority shareholder who contended in a lawsuit filed in state court in Fort Worth that he had been improperly deprived of the value of his ownership interest in real estate assets by his co-owners. Diamond McCarthy filed this lawsuit and secured a confidential settlement for the majority owner after first succeeding on appeal before the Fort Worth Court of Appeals to obtain a reversal of the trial court's summary judgment order dismissing the case.

Tenants In Common

- Acted on behalf of a group of tenants in common (TICs) who owned a residential apartment complex in Grand Prairie, Texas. The TICs purchased the property as a "like-kind exchange" pursuant to Section 1031 of the Internal Revenue Code. After non-payment for several months, the TICs asserted claims against the Master Tenant challenging its management of the apartment complex. Diamond McCarthy filed an involuntary bankruptcy proceeding against the company to protect the TICs. After filing the bankruptcy action, the firm successfully negotiated a settlement and resolution of all claims for the TICs with the Master Tenant.

Bankruptcy Debtor Counsel

- Acted as debtor's counsel for **AFG Pacific Properties, Inc.** as debtor in possession in Chapter 11 bankruptcy case and representing this international real estate holding company in the sale of over \$30 million in undeveloped real estate through a Chapter 11 plan of reorganization.

For more information on our representative experience please reach out to our initial contacts or email michael.evian@diamondmccarthy.com.