

Real Property & Land Use Litigation

Our litigators have expertise in a broad range of real property matters, covering the spectrum from lender and developer representation to eminent domain.

The firm's real estate litigation clients are equally diverse, and include landowners, developers, contractors, brokers, lenders, investors, and public entities. Consistent with the Firm's approach to litigation matters in general, our attorneys approach their cases with practical, result-oriented plans which are tailored to the client's particular needs and budget.

Some of the cases handled by the Real Estate Litigation Practice group include, but are not limited to:

- Borrower and Lender Representation
- Judicial Foreclosures
- Receiverships
- Quiet Title Actions
- Partition and Boundary Disputes
- Purchase and Sale Disputes
- Unlawful Detainers
- Commercial Lease Disputes
- Construction Disputes
- Environmental Litigation
- Contaminated Sites
- Brokerage, Agency and Commission Issues
- Eminent Domain/Inverse Condemnation
- Partnership Dissolutions

Selected Experience

- Downey Brand handled contentious and protracted litigation on behalf of real estate holding company Park Cattle Co. in litigation against Bill Yung and his Tropicana gaming and holding companies for enforcement of a ground lease for the Horizon Casino Resort in South Lake Tahoe. A two month jury trial resolved two days before Downey Brand's closing argument when Yung and Tropicana agreed to dismiss their complaints against Park Cattle, return the Horizon property, and pay \$165 million in damages, plus interest, to Park Cattle.
- At the conclusion of a three week jury trial in Sacramento County Superior Court, jury returned a complete defense verdict for Downey Brand's clients, real estate developers Charles Somers and Ron Alvarado, who were sued by AKT Development Corporation for fraud, breach of contract and breach of fiduciary duty regarding an alleged joint venture to purchase significant development property near Sacramento.
- In litigation filed in Placer County Superior Court, Downey Brand represented property developers sued by adjoining landowner for actions related to pursuit of development entitlements. Downey Brand obtained complete dismissal of suit in its entirety under California's Strategic Litigation Against Public Participation ("anti-SLAPP") statute, based on client's constitutional free speech and public participation rights, and dismissal was affirmed on appeal, entitling clients to recovery of attorney's fees incurred both in the trial

court and on appeal.

- On behalf of commercial and residential developer seeking enforcement of easement rights against adjacent property owners in Butte County, jury rendered verdict in favor of client after trial.
- In action seeking writ of mandamus against City of Chico to enjoin City's action in directing Downey Brand's client, a residential developer, to prepare supplemental environmental impact report, Downey Brand obtained alternative writ at outset of case, and after trial Butte County Superior Court issued final writ in favor of client.
- In suit brought on behalf of developer based on defendants' failure to honor contract to sell property to client, Downey Brand obtained jury verdict in Amador County Superior Court of in excess of \$1M, including punitive damages. Verdict also required defendants to honor contract and sell 240 acres of property to client.