



Real Estate

Susman Godfrey handles a wide range of real estate disputes for property owners, developers, investors, tenants, lenders, joint ventures and public-private partnerships, and many other parties in and out of court throughout the United States. We also represent utilities, government agencies, REITs and construction- and transportation-sector clients. The firm has obtained successful outcomes for real estate clients across a myriad of subject matters such as contract disputes, estate development disagreements, patent infringement, technology, and accounting malpractice.

- ***YH Lex Estates LLC v. HFZ, et al.*** Obtained summary judgment rulings against three different defendants for YH Lex Estates in New York state court over an unpaid debt of approximately \$18 million. Before the trial court, Susman Godfrey won early summary judgment against one of the two guarantors of the real estate project-related loan. The team later won summary judgment on appeal against the real estate firm defendant and the other guarantor. [Read more.](#)
- ***IBM v. Zillow.*** Defended Zillow in two lawsuits brought by International Business Machines Corp. (IBM) asserting infringement of twelve patents by various features of Zillow's real estate web site and related products and services. IBM filed the second suit asserting five patents in the Western District of Washington after we successfully obtained transfer of the first suit asserting seven patents to that district from the Southern District of California.
- ***VHT v. Zillow.*** Defended Zillow against claims that its web site and mobile applications infringed copyrights in nearly 100,000 photographs of residential real estate photographs contained in listings provided by customers of the copyright owner VHT Inc. The Ninth Circuit affirmed judgment for Zillow on all but a handful of the images and vacated the award of statutory damages for the remainder.
- ***Mocco v. Titan Management.*** Representing commercial lenders in long-running dispute over more than \$20 million of commercial mortgages issued in northern New Jersey. We are seeking to recover the unpaid balance for our clients and defend against claims that the loans were structured and administered to improperly extract money from an undisclosed principal.
- ***255 Butler Associates v. 255 Butler.*** Secured a \$36 million judgment

after a lengthy trial on behalf of client, 255 Butler Associates LLC, against its commercial landlord in a case concerning breach of contract, alleged extortion, and substantial lost profits related to a prominent piece of Brooklyn real estate. [Read more.](#)

- ***Warmack et al. v. Alight.*** Represented real estate developer and owner Warmack against its tenant, Alight, in a dispute relating to properties in The Woodlands, Texas and Orlando, Florida. Alight occupied the buildings under absolute triple-net leases, which required Alight to maintain the buildings (including routine maintenance and capital expenditures) during the term of the leases. The parties disputed whether Alight had maintained the buildings to the standard required by the leases. The case settled for confidential terms just days before the jury trial was scheduled to start.
- ***Downer v. Leichtenberg.*** Represented a real estate investor in a contract dispute with his business partner relating to buildings in Houston, Austin, and Dallas. Through creative settlement discussions, Susman Godfrey was able to settle the dispute early on confidential terms.
- ***Greenspoint Plaza v. ExxonMobil.*** Tried to jury trial a case on behalf of Greenspoint Plaza Limited Partnership (GPLP) and its parent company, Hines, in a commercial real estate dispute with tenant, ExxonMobil. ExxonMobil alleged that an audit revealed overcharges by GPLP, and GPLP disputed these findings. Our team also argued that a number of affirmative defenses barred ExxonMobil from recovery. Following a two-week jury trial, the jury returned findings for the plaintiff but also found for GPLP on each of its affirmative defenses. The case eventually settled on confidential terms.
- ***Hartman v. Hartman REIT.*** Served as counsel for the founder and former CEO of a real estate investment trust (REIT). Following a coup by board members and outsiders to oust the CEO and enact a hostile takeover of the REIT, Susman Godfrey brought claims against the REIT and its new officers and directors on behalf of the CEO. Following the first two days of a scheduled week-long bench trial in Harris County, Texas, the case settled on confidential terms.
- ***Freeman Holdings v. ExxonMobil.*** Represented a plaintiff real estate developer in a breach of contract action against Exxon, involving a right of first refusal to purchase real estate. The matter settled favorably after the team defeated summary judgment.
- ***Weingarten Realty Investors v. Miller.*** Defended real estate developer in federal court action regarding real estate guarantee. The matter settled before trial.
- ***Holley v. SummerLake.*** Settled a real estate development partnership dispute on behalf of Kingwood-based developer, Ron Holley, against partnerships controlled by Jimmy Foster. The three partnership agreements contained a binding arbitration clause, and Susman Godfrey arranged a mediation prior to the arbitration. The team's preparation for mediation allowed the parties to understand the value of Holley's

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partnership interest and resolve their dispute without the cost and business disruption of a several-day arbitration proceeding.