

## Real Estate and Environmental Litigation

Our experience is further enhanced by the fact we have litigated real estate disputes from a broad range of industries, including retail, petroleum energy, utilities, consumer goods, hospitality, and telecommunications.

The Willenken Firm has substantial experience representing corporate clients in a diverse array of commercial real estate disputes, including disputes involving soil and groundwater hazardous substance contamination. We have litigated and tried cases dealing with lease enforcement, contract disputes, licenses, easements and restrictive covenants, utility franchises, broker fraud, ground water and soil contamination and remediation (and insurance coverage for same), toxic torts, foreclosures, and eminent domain and government takings. Our experience is further enhanced by the fact we have litigated real estate disputes from a broad range of industries, including retail, petroleum energy, utilities, consumer goods, hospitality, and telecommunications.

Representative real estate litigation matters handled by the Firm's lawyers include:

- Selected by international coffee retailer to handle all store lease termination disputes within the State of California.
- Represented one of the largest investor-owned utilities in the country against a class action brought by landowners alleging that the installation of fiber optic cables for general telecommunication purposes exceeded the scope of utility easements.
- Defended through trial one of Southern California shopping center developers accused by property owner in adjacent industrial park of land uses conflicting with industrial park easement rights.

### ATTORNEYS

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## Real Estate and Environmental Litigation (cont.)

- Defended major electric utility against claims by developer that utility wrongfully prohibited access to industrial park through area impressed by transmission line easement.
- Obtained complete dismissal of commercial tenant's breach of contract case against luxury hotel chain by securing possession and a substantial judgment in a parallel unlawful detainer action against the tenant.

Representative real estate litigation matters handled by the Firm's lawyers that involved environmental issues include:

- Defended one of the world's largest petroleum energy firms in a contract action against a major residential developer over alleged failure to remediate sub-surface benzene and hydrocarbon soil contamination.
- Trial counsel for national car battery manufacturer in trial of CERCLA, breach of lease and other pendant state claims brought by former landlord resulting from alleged dumping of solvents and other hazardous substances by distribution center employees. Successfully defended claims of intentional torts, and prevailed on alternative theory of damages for negligent actions.
- Represented purchaser of specialty chemical company in action against seller for violation of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), breach of contract, breach of warranty and other state claims for undisclosed soil and groundwater contamination and other breaches of asset purchase agreement and misrepresentations in connection with the sale transaction.
- Represented national supplier of perchloroethylene (PCE) and other cleaning solvents to dry cleaning establishments for alleged liability resulting from disposal of PCE and discharges during the cleaning process.
- Represented numerous clients in internal investigations and civil and criminal cases brought by US EPA and state agencies, including Air Quality Management Districts (AQMDs), for unpermitted air emissions and discharges into waterways, or emissions and discharges in excess of permit limitations.
- Trial counsel for insurer sued by major aircraft manufacturer for reimbursement of groundwater contamination clean up costs alleged to have triggered coverage under policies written decades prior to clean up, and for bad faith in handling of claims.