

## REPRESENTATIVE CASES

***Zeller Realty Corporation, et al. v. Equitable Life Assurance Society of the United States***, Circuit Court of Cook County, Illinois.

Represented defendant Equitable in a breach of contract and fraudulent concealment case brought by plaintiff Zeller in an action stemming from the sale of a high-rise commercial building in downtown Chicago. Zeller alleged that Equitable breached the sales contract by not disclosing certain reports about the induction pipes in the building and alleged that Equitable intentionally withheld certain reports related to the condition of the induction pipes. Zeller made its claims despite the fact that the contract contained a no reliance clause, that no warranties were given, and that the property was purchased "AS IS, WHERE IS, WITH ALL FAULTS." Equitable filed a third-party claim against its property management company for breach of contract and indemnity based on the fact that the property management company had managed the property for Equitable during the due diligence period and was responsible for providing the reports to Zeller. The parties reached a settlement on the tenth day of the jury trial on terms very favorable to Equitable.

***White v. Warren***, United States District Court for the Northern District of Illinois.

Represented personal representative of English decedent's estate in a case involving one of the world's most significant collections of rare stringed instruments. The suit alleged that several of the world's top violin dealers had conspired in an attempt to deprive the estate of the fair market value of the collection. In particular, the Complaint alleged that one defendant who was hired to provide an opinion that the proposed sales prices of certain rare violins, violas, and bows were at prices that were fair and just in the marketplace, secretly bought for his own collection several of the instruments that he had appraised at prices that were purported to be fair and then resold the instruments at huge profits. The Complaint included allegations of conversion, fraud, breach of fiduciary duty, and unjust enrichment. The parties reached a settlement in this case several days before the trial was scheduled to begin.

***Lawyers Title Insurance Company v. NationsCredit, et al.***, Circuit Court of Lake County, Illinois.

Represented defendants in a declaratory judgment action. The case involved a title insurance policy under which the plaintiff sought a declaratory judgment of non-coverage based on alleged policy violations by the defendants who claimed entitlement to the policy proceeds. After completion of a one week bench trial, the Judge took the case under advisement. A ruling is expected in the next several months.

***Brugos, et al. v. Nannenga, et al.***, United States District Court for the Northern District of Indiana.

Case involved a suit against certain former pension fund trustees and other advisors to the fund alleging that they had breached duties arising under ERISA and state law relating to a real estate investment that was made with pension fund assets. Represented pension plan trustees who were members of the board when the investment was made, but who voted against making the investment, in their capacities as third-party defendants. A settlement was reached as to clients while the remainder of the case is still pending.

***Dalan/Jupiter, Inc. v. Draper and Kramer***, Circuit Court of Cook County, Illinois.

Represented defendant in a dispute involving attorneys' fees and costs arising out of a previously adjudicated case relating to a claim involving a joint venture financing fee. Received summary judgment for client based on the doctrine of *res judicata*.

***General Casualty v. R.E.S. Sports Enterprises, Inc.***, Circuit Court of Cook County, Illinois.

Represented defendant in a breach of contract case in a trial in the municipal division of the Circuit Court of Cook County. Received directed verdict for defendant after the close of plaintiff's case.



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