

ERVIN COHEN & JESSUP LLP SUCCESSFULLY DEFENDS REAL ESTATE PROFESSIONAL IN \$11M LAWSUIT

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Los Angeles, California – May 14, 2014 – After two years of hard-fought litigation, Ervin Cohen & Jessup LLP has secured the dismissal of all claims against its client, Art Polacheck, and successfully defended the \$11M lawsuit initiated by Plaintiff GRL-Mesa Investments, LLC.

On May 13, 2014, ECJ attorneys Randall Leff, Barry MacNaughton, and Rusty Selmont, won their Motion for Summary Judgment on plaintiff’s breach of contract and unfair business practices causes of action. Having already previously convinced the court to dismiss Plaintiff’s other nine causes of action, ECJ thus achieved a complete defense of Plaintiff’s lawsuit and ensured it take nothing from its claims.

Polacheck was Plaintiff’s real estate agent and assisted with Plaintiff’s 2008 purchase of an \$11M property in Arizona that housed a Mervyn’s. Plaintiff alleged that Polacheck failed to discover that Mervyn’s was in financial distress, which ultimately led to its bankruptcy a few months after the transaction closed. ECJ successfully defended the action on the grounds that many of the claims were barred by the statute of limitations, but that in any event, there was no evidence that Polacheck had duty to perform such an investigation or that any real estate professional could have known about Mervyn’s secret imperiled condition.

“We are obviously thrilled with Judge Palazuelos’s decision.” Selmont said. “We had been cautioning the Court all along that this case lacked a viable legal theory and, ultimately, she agreed. Our client did everything that was expected out of a real estate professional and then some, and he deserves to have this unfounded case finally put to rest.”

Ervin Cohen & Jessup is a full-service law firm that provides a broad range of business-related legal services including litigation; real estate transactions and finance; tax planning and controversies; intellectual property and technology; corporate law; estate planning; employment law; health care law; and bankruptcy, receivership and reorganization. ECJ is a member of the

PROFESSIONALS

Randall S. Leff
Barry J. MacNaughton
Russell M. Selmont

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