

Real Estate and Construction Disputes Handled by Steve McNichols

- Represented a commercial developer against the U.S. Army for contaminating the developer's property. The Army base had a defective sewer pipe that ran through the developer's property. Obtained a settlement that compensated our client for the added cost of construction incurred in cleaning up the contamination.
- Binding arbitration award on behalf of the owner of undeveloped property in an action against a developer for breach of an option agreement. The award exceeded \$1 million and included all of our client's attorneys' fees and costs.
- Represented the purchasers of developed acreage in an action against a real estate broker for fraud and failure to disclose. Obtained a combination of settlement and a jury verdict in excess of \$1 million, including \$500,000 in punitive damages.
- Defense verdict in a court trial defending an attorney/real estate broker who was a principal in a partnership that owned commercial real estate. The partnership was sued by purchasers of the property who claimed that the defendant failed to disclose that the ground water under the property was contaminated and that the City would require a use permit in order to operate a restaurant on the property.
- Successfully defended the owners of a retail shopping center from an action by a multitude of tenants. The tenants alleged that they had been induced by fraudulent representations to sign leases for the shopping center while it was being built. They further claimed that the owners of the shopping center failed to properly operate the shopping center. Most of the tenants claimed that they had lost their life savings when their businesses failed. Judgment after a court trial in the United States District Court on behalf of the owners of ranches in an action against the United States Army for trespass and nuisance. The trespass and nuisance consisted of shelling and bombing of the plaintiffs' agricultural properties.
- Judgment against CalTrans for damage to property adjacent to a highway in an inverse condemnation case. Our client's property was flooded because of conditions resulting from the construction and operation of the highway.
- Represented numerous property owners, developers, contractors and subcontractors in construction defect litigation involving commercial, office and residential properties.
- Successfully represented a property owner against the owner of neighboring property, where the neighboring property owner had deposited large amounts of uncompacted fill on our client's property. The uncompacted fill was not discovered until our client began to develop a subdivision on its property. We were unable to obtain any eyewitnesses that would admit to the movement of earth, and were required to prove the case through circumstantial evidence.
- Defended owners of office buildings in actions brought by plaintiffs working in the buildings, who claimed that they sustained personal injuries because of their multiple chemical sensitivities due to exposure to fumes in the buildings.
- Summary judgment on behalf of a developer of a residential subdivision who was sued in a wrongful death action by the surviving spouse and child of the deceased mother who died as a result of contracting coccidioidomycosis (valley fever). Plaintiff claimed that the activities of our client in developing a housing project adjacent to her home caused the toxic cocci spores to become airborne thus leading to her illness and death.
- Represented builders and developers in defense of actions involving toxic mold.
- Represented various parties in landslides and subsidence litigation. These included defending a real estate developer in an action involving a massive slide that caused several newly constructed homes to be condemned.
- Represented developers in actions against contractors and subcontractors for breach of warranty and breach of contract. Generally these actions resulted from the fact that the developer made repairs to homes or commercial building that were required because of defective design or construction. The developer brought actions against

the responsible subcontractors and design professionals.

- Binding arbitration award in an action against a real estate broker. Our seller clients had taken back a Second Deed of Trust on property. The arbitrator found that the broker was negligent and failed to disclose critical information regarding the financial condition of the buyer and the terms of the financing.
- Defense verdict in a court trial defending a real estate broker and managing partner of a partnership. The partnership owned an apartment complex that it sold to the plaintiff. Plaintiff claimed that the seller misrepresented the income and expenses and failed to disclose the extent of deferred maintenance. The trial court found that although the broker had failed to disclose some of these matters, there was no damage because the property was worth what the buyer paid, and the court rendered a judgment in favor of our client. Successfully represented a developer in an action against a property owner for specific performance of a contract for the sale of undeveloped acreage.
- Represented a real estate developer against a contractor in an action involving fraudulent billing and the supplying of defective material and substandard work by the contractor.
- Successfully defended the seller of a large parcel of unimproved real property in an action by a real estate broker for commission. The defense was based upon the contention that the broker had obtained secret profits in the transaction.
- Represented both landlords and tenants in commercial real estate disputes involving the interpretation of the lease agreements.
- Represented various parties in a number of disputes over property lines. These included claims of prescriptive easements and encroachments.
- Represented both plaintiffs and defendants in trespass and nuisance actions.
- Represented property owners in land use lawsuits against public entities. The cases were based upon the Subdivision Map Act and CEQA. The cases were settled by complex agreements that permitted development to go forward.