

Real Estate and Hospitality

Jenner & Block serves leading clients in the real estate and hospitality industries with an integrated approach that spans disputes, transactions, and governmental matters. We represent management companies and major brands, developers, owners, REITs, and asset managers with respect to their most important legal challenges and opportunities.

We partner with clients on their most complex transactions and assist with managing legal risk and advancing business strategy. When disputes arise, we resolve them. We handle major transactions, advise on operational challenges, and lead investigations and regulatory matters involving real estate assets and leading hospitality brands. Our main objective is to help our clients achieve their business objectives, using the law as one tool among many.

Leveraging Jenner's Strengths for an Integrated Industry Approach

Because of our deep knowledge of the real estate and hospitality sectors, we are a go-to firm for some of the largest US and international hotel management companies, major residential and commercial property owners, REITs and asset management businesses, developers, managers, brokers, investors, and other industry participants. Drawing on the wide-ranging sector experience and skills of lawyers throughout our firm, we counsel real estate and hospitality clients on their strategic decisions, disputes and litigation, transactions, investigations, data privacy, operations, regulatory, employment, energy, ESG, and climate solutions needs.

A Powerhouse Litigation Team

We take pride in being able to not only help our clients resolve disputes strategically when consistent with business goals, but also aggressively litigate cases through trial when necessary. Distinguished by the complexity and scale of the matters we handle, the creative strategy and solutions we devise and execute, and our commercial knowledge of our clients' industries, we have secured wins valued in the tens of billions of dollars. We have represented clients in owner-operator disputes, investor and joint-venture disputes, governmental challenges and takings cases, intellectual property litigation, hotel and property development-related litigation, national retail tenant and master lease litigation, contested appraisals and buy/sell disputes, bankruptcy litigation, insurance litigation, privacy and employment matters and class actions. We have litigated on behalf of real estate and hospitality clients in state and federal courts, domestic and international arbitrations, bankruptcy court, and in multiple appellate courts. We also routinely favorably resolve disputes for clients short of litigation, including by leveraging specialized knowledge and experience in the industry and by advancing creative, smart business solutions.

Sophisticated Deal Counsel

Our market leading real estate transactions team partners with clients across every facet of real estate transactions in all jurisdictions and in international transactions, which include the most complex and sophisticated deals. Sitting on both sides of the table—representing borrowers and lenders, buyers and sellers, and landlords and tenants—our attorneys have helped clients weather numerous real estate boom and bust cycles. We have extensive experience handling loan workouts and restructuring, construction and ground up development, and complex lease transactions (including synthetic lease transactions and ground lease transactions associated with development and redevelopment of all types of real estate, including, office, multi-family, retail, hotel, industrial, airports, ports, and mixed-use projects across the United States). We also have extensive experience structuring and closing acquisitions and dispositions, finance and private equity transactions, corporate and institutional real estate transactions, and real estate securities transactions.

Navigating Sensitive Compliance Risks and Investigations

We help clients strengthen their compliance policies and procedures across a range of risk areas, including cybercrime, international corruption, money laundering, human rights, and sanctions. When allegations come to light, we conduct nimble, efficient internal investigations to help leaders understand corporate and legal risk. And we defend real estate and hospitality clients when they find themselves in the crosshairs of government investigations and regulatory proceedings, including inquiries by state attorneys general, Congress, and federal and international regulators. Likewise, we counsel numerous clients regarding insurance coverage, employee benefits, and tax issues.

Experience

Disputes

- Won preliminary injunction for Marriott requiring a hotel owner to specifically perform the hotel management agreement obligation to fund working capital.
- Prevailed on all claims following an arbitral trial in litigation brought by a joint venture partner concerning our client's management of the jointly-owned hotel.
- Won AAA arbitration on behalf of owner of \$300 million landmark office tower in dispute involving neighbouring development and violations of construction, operation, and reciprocal easement agreement.
- Defended the \$13.6 billion merger between Marriott International and Starwood Hotels & Resorts against challenge by two hotel owners who alleged the deal violated non-compete provisions in hotel management agreements.

- Defeated class action litigation for multiple hospitality clients, including a dismissal with prejudice on behalf of Hyatt in a suit regarding resort fees, dismissal with prejudice on behalf of Marriott in two suits stemming from property system incidents, and summary judgment for Marriott in a suit alleging consumer fraud regarding hotel menu items.
- Defeated claims for more than \$1 billion against leading healthcare REIT for alleged breaches of fiduciary duty in connection with financing and sale-leaseback transaction.
- Won trial and injunctive relief on behalf of major retail property owner against tenant nightclub's misuse of property for obscene performances.
- Pursued and defended claims in multiple joint venture disputes involving large scale real estate developments, including office towers, medical office buildings, and senior care.
- Representing a Beijing-based joint venture partner in a complex dispute involving a mechanics' lien foreclosure. In addition to assessing exit strategies, we are actively working with the client to resolve the mechanics' lien foreclosure filed by the general contractor and a lender foreclosure action.

Transactions

- Represented Wolf Point Hotel Company in connection with navigating various COVID-19 related issues, negotiating and closing a loan modification and the ultimate sale of the Holiday Inn Mart Plaza located in downtown Chicago. The matters involved various complex issues, including, restructuring a ground lease and addressing union related issues as the loan matured.
- Negotiated the purchase agreement and handled the sale of an industrial facility and land in New Jersey, with a history of environmental issues. We provided environmental and FDA due diligence, negotiated deed restrictions and other covenants, negotiated the stock purchase agreement, and provided guidance on ISRA compliance.
- Represented InvenTrust Properties Corp. in its headquarters relocation and lease negotiation, and in on-going leasing, acquisition, and disposition matters across the country. InvenTrust is the owner and manager of 66 retail properties across the United States, with an asset value of \$3 billion.
- Represented Cantor Fitzgerald in connection with the acquisition and financing of a newly constructed one million square foot warehouse in Livonia, Michigan, which was simultaneously leased to Amazon.
- Represented the developer in the redevelopment and sale of four hotels and adjacent commercial property valued at approximately \$200 million in Key West, Florida.

- Represented the Chicago Hard Rock Hotel in a complex refinancing involving a tax credit ownership structure and Tax Increment Financing on behalf of the owner.
- Represented the seller of the Paramount Hotel in Manhattan, Times Square for \$189 million.

Co-Chairs



Lindsay Harrison

Co-Chair (Litigation)
lharrison@jenner.com
+1 202 639 6865



Michelle M. McAtee

Co-Chair (Transactional)
mmcatee@jenner.com
+1 312 923 8329



Donald Resnick

Co-Chair (Transactional)
dresnick@jenner.com
+1 312 923 2656



Andrew W. Vail

Co-Chair (Litigation)
avail@jenner.com
+1 312 840 8688



Daniel Weiss

Co-Chair (Litigation)
dweiss@jenner.com
+1 312 923 4517

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