

Long-Running Real Estate Dispute Ends with Summary Judgment for Greystone Special Servicing

News

April 14, 2023

A Jenner & Block team led by Partner Stephen Ascher won summary judgment in a long-running real estate dispute for client Greystone Special Servicing (f/k/a C-III), who handles defaulted loans in a commercial mortgage-backed securities trust.

One of these loans was to the owner of Clark Tower, also known as the “Empire State Building” of Memphis. The owner/borrower sued Greystone (and the trust) for refusing to consent to a proposed refinancing, claiming that Greystone’s refusal was unreasonable and caused them to default on the loan, which then led to foreclosure and ultimately caused them to lose the \$25 million of equity in the property.

In granting summary judgment to our client, a New York State court held that Greystone proved a prior material breach by the borrower, namely, that it failed to maintain rents from the property in a separate “lockbox” account. As a result of this “antecedent breach,” the owner/borrower’s breach of contract claim was dismissed as a matter of law.

Earlier in the case, a New York state appeals court held that a New York court could not enjoin a foreclosure in Tennessee.

The team included Associates Billy Goldstein and Emily Mannheimer. Partners Ali Arain and Jason Hipp and Associate Cayman Mitchell also assisted.

Related Attorneys

Stephen Ascher

Partner

sascher@jenner.com

+1 212 891 1670

Emily S. Mannheimer

Associate
emannheimer@jenner.com
+1 212 303 2532

Ali Arain

Partner
aarain@jenner.com
+1 212 407 1721

Jason P. Hipp

Partner
jhipp@jenner.com
+1 212 407 1784

Cayman C. Mitchell

Partner
cmitchell@jenner.com
+1 212 891 1638

Billy Goldstein

Partner
wgoldstein@jenner.com
+1 212 891 1656

Related Capabilities

Business Litigation

Related Locations

New York

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

