

Firm Obtains Rare Summary Judgment Victory in Arbitration

We represented the developer of a luxury Atlanta hotel and residential condominium building. The plaintiffs had purchased a condominium unit directly above the hotel elevators and alleged that the elevators in fact were disruptive and rendered the unit uninhabitable. Plaintiffs filed an arbitration alleging breach of contract, negligent misrepresentation, fraud, nuisance, and seeking punitive damages. We moved for summary judgment based on the condominium documents which disclosed the possibility of noise, and the lack of evidence regarding any alleged promise our client made as to possible elevator noise. The arbitrator granted our summary judgment motion on the breach of contract, negligent misrepresentation, fraud, and the majority of the nuisance claim. The remainder of the case (and related litigation) settled shortly thereafter.

James P. Lager et al. v. SR Hotel Development, LLLP, American Arbitration Association, Case No. 30 527 Y 00550 11. See also *James P. Lager et al. v. SR Atlanta, LLC*, Civil Action No. 2011CV206914 (Superior Court of Fulton County)

For more information, please contact Richard Robbins.