

Summary Judgment Win in Real Estate and Fraudulent Concealment Case

We represented the primary lender for a large real estate development in Florida. Plaintiffs, who are borrowers and guarantors of a subrogated lender, sued our client for fraud, breach of the implied covenant of good faith and fair dealing, conspiracy, and malicious procurement. The plaintiffs alleged that our client failed to disclose a subordination agreement between our client and the subrogated lender. The trial court granted our motion for summary judgment in its entirety, finding that all the loan documents were disclosed to plaintiffs. The trial court further found that there was no special or fiduciary relationship between our client and plaintiffs which would support a fraudulent concealment claim. Our client's counterclaims against plaintiffs, including our claim for attorneys' fees, remain pending before the trial court.

Crossing Park Properties, LLC, et al. v. JDI Fort Lauderdale, LLC, et al., Civil Action No. 2009CV171598 (Superior Court of Fulton County)