

Bird Marella Wins Appeal Ending 9 Years of Litigation Against Real Estate Partnership

Bird Marella principals Sharon Ben-Shahar Mayer and Joel Boxer's appellate victory in December 2015 ended 9 years of litigation against a real estate partnership and its general partner. The clients had been accused of fraud and breach of fiduciary duty.

The plaintiff, a limited partner in the real estate partnership, claimed that the general partner participated in a conspiracy to deprive this limited partner of his full share of the partnership and the \$37 million paid for the partnership's real property. Ms. Ben-Shahar Mayer and Mr. Boxer filed a string of demurrers claiming, among other things, that the plaintiff failed to join indispensable parties who were in bankruptcy.

After 9 years of litigation, three trial judges and six different iterations of the complaint, the trial court sustained Bird Marella's last demurrer without leave to amend. The Court of Appeal upheld the ruling in December and denied plaintiff's petition for rehearing the following month. The Supreme Court declined to hear the case appeal.