

2011 Year In Review

Thanks to all of our clients, families and friends for a successful 2011.

Our firm had a dynamic year handling some of California's most prominent real estate deals and projects, working with clients to lease, finance, entitle, purchase, sell and manage real estate, and representing clients in litigation, employment and environmental matters.

We also had our own firm highlights, including attorney awards and honors, speaking engagements, published articles and media spotlights. In 2011, the firm added three well-regarded land use attorneys to its Land Use practice group—*Robert "Mac" McMurry*, *A. Catherine Norian* and *Elisa Paster*. This group successfully defended the Candlestick Point/Hunters Point Project—the largest redevelopment project in the history of San Francisco worth more than \$2 billion. The firm also had the pleasure of promoting *Diane Hvolka* to partner and adding former Newhall Land Development Executive and Attorney *Steven Zimmer* as Of Counsel.

We look forward to a prosperous 2012 for all of our clients, families and friends!

Gilchrist & Rutter profiled in *Daily Journal*



The leading regional legal publication, the *Daily Journal*, featured Gilchrist & Rutter in an article illustrating the approach the firm has taken to keep our clients successful throughout recessionary times.

Gilchrist & Rutter's Managing Partner, *Jonathan Gross*, explained that these times have led our attorneys "to prepare and think ahead." Partner *Frank Gooch* echoed that theme, noting that G&R's attorneys "try to be more proactive with clients so they can generate income out of a bad situation..."

G&R's lawyers, noted Partner *Richard Close*, "do their work from more of a business standpoint... Clients come to us because they have a problem, especially in a down economy. They're coming to us for a solution..." Mr. Close also observed that G&R proves that "you don't have to be a major law firm to have expertise and be able to service clients at a reasonable rate. That's why we've done well during the recession."

To read the *Daily Journal* article, please visit GilchristRutter.com/Media.

Jonathan Gross' Market Outlook featured in *Law360* Real Estate



Managing Shareholder *Jonathan Gross* was recently featured in *Law360's* Real Estate Q&A series addressing a variety of topics including his most challenging deal; aspects of his practice in need of reform; who he considers an attorney of note, as well as lessons learned from mistakes made early in his career.

Mr. Gross states that the economy and its recovery are of paramount importance to the firm's real estate practice. "We need to see economic growth and, in particular, job growth for our owner/developer clients to prosper," said Mr. Gross. He notes that more jobs means more physical space requirements which translates into more construction, leasing, and more value—growing value—that drives real estate transactions, including purchases and sales and financings.

New Law to Prevent Fraud: Scam Solicitation Letters Targeting Business Owners

By *Stephanie Phillips*



In an attempt to stop mailings of fraudulent and misleading solicitations to California business owners, the California Secretary of State sponsored a new law that went into effect January 1, 2012. In recent years there have been numerous and more sophisticated efforts by scammers, trying to pass themselves off as government agencies to charge exorbitant fees from unsuspecting business owners. These mailings are sent to the registered address of business entities formed or registered in California and purport to be an agency of a phony branch of a government agency such as "Office of Compliance" or "Business Filings Division".

This new law requires all third-party mailings to print the following disclaimer on the front and back of every page, in at least 12-point boldface capital letters: THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT. In addition to the disclaimer, no mailing may use a name that would suggest it is from a governmental agency, and fines have been increased to \$2,500 per violation.

When you receive any correspondence about your business entity, examine it carefully and be on the lookout for this disclaimer. If you want to read more about this new law or more specific information on the types of scams, please visit the California Secretary of State's website at sos.ca.gov/business/be/alert-misleading-solicitations.htm.

Deals & Judgments



Gilchrist & Rutter regularly handles real estate transactions, litigation, and related matters for clients dealing with a range of issues. Below are recent representative deals and judgments. To talk with us about a similar deal or matter, contact the listed attorney.

- 120,000-square-foot lease restructure and 10-year term extension for Electronic Arts, a leading software and video game developer, at Playa Vista office campus on behalf of owner Maguire Partners. (*Steven Heller, Jonathan Gross, Peter Swain*)
- Approval by the City Council of Seaside, California of a 223-lot residential subdivision for our client Bayview Community LLC, in addition to a grant of an environmental exemption. (*Richard Close and Susy Forbath*)
- Sale of The Shops at Rossmoor, a successful 434,000-square-foot regional retail center in Seal Beach, CA, which features several national retailers (including Kohl's, Toys "R" Us, Marshalls, Ann Taylor Loft, Sprouts, In-N-Out Burger, California Pizza Kitchen, and Pei Wei). The firm acted as co-counsel. (*Steven Heller and Stephanie Phillips*)
- Represented an investment advisor pertaining to corporate and legal opinion matters in the acquisition of more than \$175 million in equity interests in retail, apartment and office properties in Washington, D.C., Newport Beach, and Georgia. (*Duane Montgomery*)
- 5.7 megawatt data center lease to a subsidiary of The Telx Group in Santa Clara, CA. (*David Lambert*)
- Obtained a favorable settlement for a client who asserted claims for breach of an independent contractor agreement and wrongful interference with his business. We successfully defeated multiple demurrers and pursued discovery of key witnesses and documents. (*Christine Page* and Kevin Kellow, serving as co-counsel)
- 50,000-square-foot lease at The Water Garden in Santa Monica. (*Diane Hvolka*)
- Obtained favorable Court of Appeal judgment dismissing a case against our client for breach of contract and promissory fraud. The case sought damages and specific performance based on a claim that our client would provide the plaintiff with financial support for her lifetime. The Los Angeles Superior Court granted our demurrer, and the Court of Appeal affirmed the ruling. (*Frank Gooch and Yen Hope*)

Gilchrist & Rutter Announces that Lennar Urban Receives National Planning Achievement Award

Gilchrist & Rutter is honored to announce that Lennar Urban has received the American Planning Association's 2012 National Planning Achievement Award for a Hard-Won Victory for its Hunters Point Shipyard/ Candlestick Point Phase II EIR. Gilchrist & Rutter attorneys *Robert McMurry* and *Katie Norian* have been integrally involved in the project from the earliest stages of drafting a controversial EIR nearly three years ago, to serving as lead counsel in litigation that led to the dramatic court decision allowing the project to go forward. Lennar's HPS/CP project, the largest redevelopment project in the history of San Francisco is valued at over \$2 billion.

Super Lawyers Recognizes Seven Gilchrist & Rutter Partners

Seven Gilchrist & Rutter attorneys have been named to the 2012 list of *Southern California Super Lawyers* in the areas of business, real estate and environmental law. The attorneys listed include *Donald Nanney, Jonathan Gross, Frank Gooch III, Duane Montgomery, Richard Close, Robert McMurry* and *Christine Page*, who is recognized for the first time.

Super Lawyers is an annual ranking of outstanding lawyers from more than 60 practice areas who have achieved a high degree of peer recognition and professional achievement. Only five percent of the total lawyers in the state are selected for inclusion in *Super Lawyers*.

2012 Employer Alert

Gilchrist & Rutter Partner, *Christine Page*, recently distributed the 2012 Employer Alert discussing news laws affecting employers which went into effect on January 1st.

For a copy of the Employer Alert, please visit GilchristRutter.com/Articles/Employment.

Gilchrist & Rutter provides updates on legal trends as a service to keep our valued clients and friends informed of the latest legal news. It is designed only to give general information on the developments actually covered. It is not intended to be a comprehensive summary of recent developments in the law, treat exhaustively the subjects covered, provide legal advice or render a legal opinion.