



Jeff Brown

Partner

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PRACTICES

- Business Litigation
- Real Estate
- Real Estate Commercial Leasing

EDUCATION

- Loyola Law School, Los Angeles, J.D., 1982
- University of California, Los Angeles, B.A., 1979

ADMISSIONS

- California

EMPLOYMENT

- Thompson Coburn LLP Partner, 2014-Present
- Pircher, Nicols & Meeks Partner, 2005-2014
- Morgan Lewis & Bockius LLP Partner, 1987-2005
- Hahn Cazier & Smaltz Associate, 1985-1987

RECOGNITIONS

- Top 10 Honoree, Best Legal Blog Contest (by The Expert Institute), 2017

As a senior litigator with more than 30 years of experience, Jeff develops and executes highly effective litigation strategies for clients with all types of complex disputes. He has handled matters ranging from the repossession of a commercial passenger airplane in Toronto to a \$6 million disclosure claim arising from a tax dispute over massive advertising spaces on Sunset Boulevard.

Jeff has obtained favorable results in state and federal courts, arbitrations, and in state and federal appellate courts. His broad litigation skills also benefit clients during deal negotiations and pre-litigation stages, helping them to minimize exposure and maximize recovery in the event of a future dispute. Jeff represents buyers and sellers with respect to disputes arising from the acquisition and disposition of commercial real estate. He has arbitrated and litigated disputes among joint venturers, partners, LLC members, and investors in real estate funds with respect to breaches of operating agreements and common law fiduciary duty.

Jeff provides strategic and cost-effective counsel to clients involved in significant claims against real estate brokers with respect to dual agency, disclosure, and other alleged breaches of fiduciary duty. He further offers legal guidance on matters related to complex construction disputes, from mechanic's liens to defect litigation.

Jeff additionally represents national retail shopping center owners with respect to lease disputes and ADA issues. Furthermore, he has extensive experience representing lenders and borrowers with respect to disputes involving unsecured and secured debt, providing assistance with respect to California's complex foreclosure and receivership procedures, pre-judgment attachment, and enforcement of judgments.

As the editor of Thompson Coburn's commercial real property blog, [The Ground Floor](#), Jeff writes about critical issues surrounding the acquisition, management, and disposition of real property in California.

Experience

- **Real Estate:**

Represented seller of partially developed housing tract in claim for return of deposit and defense of failure to disclose claim.

Represented seller of high-end residential property, expunging lis pendens following the buyer's failure to comply with the purchase and sale agreement.

Represented office building owner with respect to claim of construction mismanagement.

Defended HOA developer against claims of construction defects.

Successfully defended a seller of a mixed-use project from a claim of failure-to-disclose in a binding arbitration

Represented school district in defense of CEQA claims by municipality with respect to regional high school.

Represented real estate fund with respect to enforcement of capital contribution provision and defense of claims of breach of fiduciary duty.

Represented investor member with respect to enforcement of buy-back provision in limited liability operating agreement.

Represented investor member with respect to removal of general partner.

Represented investor member with respect to dispute concerning buy/sell provision.

Represented buyer with respect to defense of broker's claim for commission and prosecution of claim for breach of fiduciary duties concerning large collection of single family homes.

Represented school district in CERCLA cost recovery action concerning future home of elementary school.

Represented ground lessees with respect to disputes concerning purchase option price and rental for lease option.

Represented commercial landlords and tenants with respect to disputes concerning "use" provisions.

Represented limited partner in dissolution actions.

- **Product Liability:**

Obtained a dismissal of an agribusiness client from a product liability case involving the labeling of one of its products.

Defended label manufacturer with respect to series of hundreds of claims regarding alleged groundwater contamination in the San Gabriel Valley.

Multiple defenses of product liability claims involving alleged asbestos exposure.

Defense of warranty claim with respect to agricultural pesticides.

Successful defense of product liability claims with respect to anti-cancer drugs.

Favorable settlement of product liability case with respect to petroleum products.

- **Complex Commercial:**

Successfully enforced covenant not to compete.

Favorable settlement of insurance bad faith claim with respect to theft at petroleum refinery.

Favorable settlement of claims by client that defendant's products caused contamination of computer hard disks during manufacturing process.

Favorable settlement of breach of fiduciary duty action with respect to control of family-owned business.

Prosecution of lease claims against passenger airline, resulting in repossession of aircraft in Toronto.

Prosecution of breach of warranty action with respect to underground tunneling equipment.

Defense of software company in 800,000 member class action involving homeowners' insurance policies in California.

Favorable settlement of breach of warranty action with respect to alleged contamination of wine bottles.

- **Intellectual Property:**

Defense of toy manufacturer in trademark infringement action in which client obtained a dismissal at trial.

Defense of copyright/trademark infringement action in which summary judgment was granted in toy manufacturer's favor.

Favorable settlement of trade secret action involving seed manufacturer.

Presentations

- Co-Presenter, "Litigating Indemnification and Representations and Warranty Provisions in Commercial Litigation"; Strafford, July 10, 2018
- "Lender Policies and Procedures for Subpoenas, Summons and Third-Party Demand Requests"; Lorman, February 22, 2018
- Co-Presenter, "Mastering the Deposition: A Practical Skills Program (Witness Preparation)"; Pincus Professional Education, January, 2018
- "Ethics - Confidentiality Issues Re: Attorney Client Privilege and Information"; ThompsonCoburn.com, June 8, 2016
- "Letters of Intent: Important Transactional Tools or Minefields"; Commercial Law WebAdvisor January 19, 2016; April 14, 2016
- Co-Presenter, "Arbitration and Other Forms of ADR"; TCLE webinar, October 2015
- Moderator, "Remedies for Good Deals Gone Bad"; IMN's 3rd Annual Real Estate General Counsel's Forum (West)-- Newport Beach, CA, May 2014

- Co-presenter, "Arbitration and Other Forms of ADR: Understanding the Process and Making the Lease Provisions Work"; 2013 ICSC U.S. Shopping Center Law Conference-- San Diego, CA, October 2013
- Panelist, "Remedies for Deals Gone Bad"; IMN's 2nd Annual Real Estate General Counsel's Forum (West)-- Dana Point, CA, May 2013

Publications

- Co-author, "Arbitration and Other Forms of ADR in Real Estate Deals"; *Probate and Association Property*, March/April 2014
- Co-author, "The Use of Common-Interest Agreement in Commercial Real Estate Transactions"; *Bloomberg BNA Real Estate Law, Industry Report*, May 2013
- Co-author, "Disclosure Duties and Dangers for Commercial Real Estate Sellers"; *California Centers*, March 2012
- Author, "The ABC's of Appraisals for Your Commercial Lease Extension"; *California Centers*, October 2011
- Author, "Looking At Lease Provisions From the Litigator's Angle"; *Commercial Leasing Law & Strategy*, October 2006
- Author, "Letters of Intent: The Good, The Bad, and The Ugly"; *Shopping Center Business*, May 2006
- Author, "Drafting Relocation Provisions in Commercial Leases"; *Southern California Office & Commercial*, May 2006
- Author, "'Use' Provisions in Commercial Leases"; *LA Lawyer*, January 2006