

Practices

Commercial Lease Dispute Resolution and Litigation

Commercial landlords and tenants face innumerable and ever-increasing challenges in their relationships with each other. These issues impact commercial landlords and tenants across all sectors and regions, and in dealing with both large and small landlords and tenants. Akerman's Commercial Lease Dispute Resolution and Litigation Team has the experience and programmatic approach to protect the interests of landlords and tenants on a national basis.

Ranked Law Firm of the Year – Real Estate Litigation by *Best Lawyers* in 2024, Akerman provides landlords and tenants with a depth of knowledge and experience to guide clients through disputes involving all types of asset classes, including retail, industrial, office, and data centers, and all types of leasehold estates, whether they consist of leases, ground leases, subleases, licenses, or any other structure in which a client has an interest.

Akerman has litigated complex commercial lease disputes in state and federal courts, as well as before arbitral tribunals, across the entire country. When clients have multiple locations throughout the country, our team applies a national perspective and strategy, and has a firm grasp on all of these various laws that may impact a dispute. With one of the largest litigation and real estate teams in the United States, Akerman provides national strength with local market knowledge to cover all the bases.

Connect With Us



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Our Team

Related Work

Litigation
Real Estate Litigation

Akerman serves as national lease litigation counsel for several retailers, handling any and all disputes that arise with respect to their leases throughout the country. With 25 offices across the country and attorneys admitted in 44 states, Akerman is positioned to handle lease disputes across entire portfolios. Where Akerman does not maintain an office or have attorney admitted to practice, Akerman has established strong and reliable relationships with local counsel to accomplish the client's goals and further its business strategies. With one law firm leading the charge for the client on its lease disputes, clients are able to address their disputes more efficiently and consistently, and implement a national strategy that furthers their legal and business needs.

What We Do

Disputes concerning:

- Non-payment of rent
- Common area maintenance / operating expense charges
- Rent-reset provisions and appraisals
- Maintenance & repair obligations
- Obligations upon vacating
- Eminent domain and casualty
- Permitted use and exclusive use
- Use of common areas
- Holdovers
- Evictions
- Obligations to open or operate
- Rights of first refusal and rights of first offer
- *Force majeure* events
- Mitigation of damages

Notable Work

- Serve as national lease litigation counsel for several retailers, handling wide variety of litigation and pre-litigation disputes for properties throughout the country.
- Represented national banking institution in countless disputes throughout the country against its landlords for all manner of lease disputes, such as disputes concerning CAM calculations, maintenance & repair obligations, access and use of common areas, exercise of renewal options, remediation of environmental contamination, right of first offer and refusal, and more.
- Represented landlord in federal court action concerning dispute over rent reset appraisal proceeding for renewal of a retail ground lease.
- Represented national shoe retailer in numerous litigations throughout the country against large mall owners relating to claims for non-payment of rent and failure to operate in the face of the COVID-19 pandemic.
- Represented shoe retailer that purchased assets out of an assignment for the benefit of creditors against claims for successor liability and alter-ego liability brought by the landlord of the tenant who was the assignor in the assignment for the benefit of creditors.
- Represented Fortune 100 healthcare company in numerous lease litigations, including but not limited to a state court trial concerning disputes over common area maintenance charges, and another state court litigation concerning a dispute over an exclusive use provision in the lease.
- Represented national restaurant concept in numerous disputes throughout the country, including but not limited to claims for non-payment of rent and failure to open for business.
- Represented national clothing retailer in numerous litigations and disputes throughout the country, including but not limited to claims for

non-payment of rent and failure to open for business, and most recently a dispute concerning the right to assign a lease without landlord consent.

- Represented tenant operating a data center in a dispute with its landlord over charges assessed by the landlord, the proper date for rent commencement, and the tenant's obligations upon vacating premises.
- Represented national operator of parking garages for numerous issues and disputes across the country, including but not limited to disputes over client's obligation to take possession of the lease premises, and dispute over the client's obligations upon vacating the premises.
- Represented licensee operating a hotel in New York City in eviction proceeding against landlord premised on non-payment of rent.
- Represented nationally renowned university in arbitration against landlord concerning calculation of CPI increases in base rent.
- Represented educational institution in Hawaii regarding issues surrounding its surrendering of its space and the landlord's mitigation of its alleged damages.
- Represented owner of 35,000 square foot corner retail unit on Lexington Avenue in Manhattan to enforce its lease against tenant that stopped paying rent in the face of the COVID-19 pandemic;
- Prevailed at trial representing a group of landlords in a Yellowstone proceeding that was commenced after one of the nation's largest residential developers materially breached its 99-year, triple net lease in lower Manhattan.
- Represent landlords in bankruptcy proceedings where retail and office tenants have sought rejection of leases.

- Other matters include representing national electronics company and international watch company in variety of lease disputes.