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### **Avoiding the Next Wave of Layoff-Related Litigation**

By Christine Page



Given the unprecedented number of pink slips being issued these days, there will inevitably be a rise in lawsuits by employees claiming they were unlawfully targeted for layoff based upon their age, gender, race, sexual orientation, disability, etc. The EEOC has already announced that it will be looking closely at layoffs to see if the potential for a class action exists. It is therefore critical for employers to have a solid methodology in place for selecting employees

for layoff and, to the extent severance packages are offered, to obtain legally valid releases that protect the employer from future litigation.

*To continue reading this article, please visit [GilchristRutter.com](http://GilchristRutter.com) - News - Articles - Employment.*

### **Signing Strategies: How to Handle Precarious Agreements So Deals Get Done**

By Steven P. Heller



In today's uncertain economy, transactions often unravel in unpredictable and unusual ways such as unplanned cancellations when financing falls through or renegotiations right before agreements are signed. But the current market's anxiety is causing even signed deals to come apart before they start, with unsettled parties scrambling to revive these unresolved transactions and mulling over their basic contract rights.

*\*This is an excerpt from an online exclusive article originally published by [Commercial Investment Real Estate](http://CommercialInvestmentRealEstate.com). To continue reading this article, please visit [GilchristRutter.com](http://GilchristRutter.com) - News - Articles - Real Estate General.*

### **McNally & Heller Represent Eastman Kodak in Sale-Leaseback**

Susan Fowler McNally and Steven Heller represented Eastman Kodak in its sale-leaseback of the 102,800-sq.-ft. Kodak Hollywood Campus to Thompson National Properties of Irvine, California. Situated on 2.97 acres in the heart of Hollywood, the Class A property consists of a two-story office building and a building containing screening rooms, editing bays, and recording and production facilities. The property is headquarters for the Entertainment Imaging division of Eastman Kodak.

### **Gilchrist & Rutter Launches Sustainability Practice Group**

Gilchrist & Rutter has launched a new Sustainability Practice Group to help clients navigate local, state and federal laws dealing with a project's environmental impact. The group's attorneys clarify what is required to comply with applicable laws, and how to maximize investments in "green" technology, such as making building improvements to attract tenants willing to pay a premium for environmentally friendly/healthy locations.

Building on the firm's expertise in construction, leasing and asset management-related legal issues, the Sustainability Practice Group will assist with areas such as:

- Incorporating green techniques in design and construction.
- Enhancing a project's sustainability by minimizing its resource footprint.
- Adopting energy efficient practices in the management and operation of assets.
- Drafting leases to address landlords' and tenants' concerns about increasing a project's energy efficiency and reducing its environmental footprint.

The Sustainability Group members include Susan Fowler McNally, Don Nanney, Henry Herrman and Scott Reynolds. *To read more about the statutes most pertinent to owners of commercial real estate concerned with sustainability issues, please visit [GilchristRutter.com](http://GilchristRutter.com) - Newsletters.*

### **LA Regional Water Quality Control Board Persuaded to Reopen Contamination Case**

G&R environmental attorney Don Nanney and technical consultants submitted compelling evidence persuading the Los Angeles Regional Water Quality Control Board to reopen a closed case involving a subsidiary of Occidental Petroleum Corporation. Based on the submission and staff review, the Board ordered the oil company to conduct a new investigation at a site now owned by a G&R client, a local university. The university's expansion plans have been impeded by soil and groundwater contamination from Occidental's previous operations. Occidental has long disputed that it was the source of the contamination, but the technical submission for the university convinced the Board otherwise. The Board's action forces the oil company, rather than the university, to bear the cost of going forward with necessary environmental work at the site. Elevating the site's regulatory priority is especially noteworthy during this time when agency resources are impacted by the state budget.

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### Six Gilchrist & Rutter Partners Included in 2009 Super Lawyers®



Six Gilchrist & Rutter attorneys have been ranked on the 2009 list of *Super Lawyers* by *Law and Politics* magazine: (clockwise from top left) Duane M. Montgomery, Susan Fowler McNally, Donald C. Nanney, Frank Gooch III and Jonathan S. Gross. (Not pictured: James R. Andrews).

Mr. Andrews, Mr. Gross, Mr. Nanney and Ms. McNally have been recognized for the fourth consecutive year. Mr. Gooch and Mr. Montgomery are first-time recipients.

*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. Our attorneys have expertise in Business, Real Estate and Environmental law.

*James R. Andrews* specializes in general business transactions for public and private business entities and individuals, including business formation, § 1031 exchanges and ongoing operational issues and disputes.

*Frank Gooch III* is a litigator whose practice is 100% devoted to civil, commercial, business, intellectual property, insurance (including anti-trust issues), First Amendment and real estate litigation.

*Jonathan S. Gross*, Managing Partner, concentrates his practice on commercial real estate, including major office and retail leasing, development, construction, design, engineering and management agreements, and real estate secured lending.

*Susan Fowler McNally's* commercial real estate and business transactions practice focuses on acquisitions and dispositions, development, construction, leasing, insurance, financing, asset management and TV and movie access licenses. In addition, she is part of the firm's sustainability practice.

*Duane M. Montgomery's* practice encompasses real estate and business transactions including real estate secured financings, acquisitions and dispositions, foreclosures, loan workouts, and counseling clients on lender licensing, mobile home park conversion and entity formation matters.

*Donald C. Nanney's* expertise lies in environmental law and real estate, including site assessment, remediation, contractual allocation of environmental risk, regulatory compliance, liability, claims, penalties and insurance. He is also a part of the firm's sustainability practice.

**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.**

### Susan Fowler McNally Addresses ULI's Young Leaders Group

Susan Fowler McNally participated in a panel discussion presented by the Urban Land Institute's Young Leaders Group on "Managing Troubled Real Estate Assets: An Insiders View of Today's Market". The discussion, which took place on February 19, 2009 at the Colliers International downtown Los Angeles office, answered questions regarding the process of dealing with "troubled" assets once they have been identified. Ms. McNally and the panelists reviewed the current market conditions and their impact on deal flow.

### Crocker Symposium Early Bird Registration Now Open

The 38th Annual Benjamin S. Crocker Symposium on Real Estate Law and Business, "Building the New Real Estate Paradigm," will provide essential updates on developments in real estate law and business, as well as thought-provoking views on survival and opportunity in troubled times. The Symposium will be held on May 5, 2009, at the Los Angeles Convention Center, presented by the Real Property Section of the Los Angeles County Bar Association and the Richard S. Ziman Center for Real Estate at UCLA. Gilchrist & Rutter partner, Don Nanney, chairs the Real Property Section and is a member of the 2009 Planning Committee. Register soon to lock in early bird pricing, [www.crockersymposium.com/register.html](http://www.crockersymposium.com/register.html).

### Susan Fowler McNally Addresses CREW-LA on "Anatomy of a Mega Deal"

Susan Fowler McNally, along with Dennis Watsabaugh, SVP Development Services at Thomas Property Group, presented "Anatomy of a Mega Deal" to Commercial Real Estate Women - Los Angeles (CREW-LA) on February 10, 2009. The presentation discussed the timeline and expertise needed to bring the proposed MetroStudio@Lankershim to fruition. When complete, the 1.47MM square-foot mixed-use transportation and television production center will be the home of the new headquarters for NBC Universal's West Coast News Bureau, and bring 5,000 permanent jobs to Los Angeles. For a copy of the PowerPoint presentation please contact Susan Fowler McNally at [smcnally@gilchristrutter.com](mailto:smcnally@gilchristrutter.com).

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