

**Los Angeles**

2029 Century Park East  
Suite 2100  
Los Angeles, CA 90067

**PHONE** 310.284.2271

**FAX** 310.284.2100

**EMAIL** [equigley@coxcastle.com](mailto:equigley@coxcastle.com)

**PRACTICE AREAS**

- Litigation & Dispute Resolution
- Construction
- Real Estate
- Risk Management & Insurance

**EDUCATION**

- J.D., University of California, Berkeley School of Law, 1994
- B.A., University of California, Los Angeles, 1990, *Regent Scholar, magna cum laude, phi beta kappa*

**BAR AND COURT ADMISSIONS**

- State Bar of California

# Edward F. Quigley

PARTNER

**OVERVIEW**

Ed is a trial lawyer and is the Chair of the firm's Litigation Department. He is experienced in handling complex litigation, including construction claims, insurance coverage disputes, and general commercial litigation. Ed has extensive experience litigating a broad range of commercial disputes including construction claims, partnership/corporate governance disputes, fraud & breach of fiduciary duty claims, valuation disputes, lease disputes, unfair business practice claims, construction disputes, insurance coverage litigation (CGL, Property, E&O and D&O policies), breach of contract and easement disputes, and non-disclosure claims. Ed's experience extends into state court, federal court, private arbitration and public works arbitration at the trial court and appellate levels. He represents developers, lending institutions, property owners, lessees, managers, real estate investors, and others involved in the real estate industry.

**REPRESENTATIVE MATTERS****Construction Disputes**

Projects successfully litigated include Hotels, High Rise condominiums, industrial buildings, master planned communities, infrastructure projects, Resort developments, golf courses, assisted living facilities, burial sites, high-end homes, and landslides/soil instability impacting all of the above.

Prosecuting \$85 million construction claim for project involving a hotel with 420 units condominium units, entertainment venues, bars and restaurants.

Obtained trial award against Caltrans on a slope stability claim and recovered \$35 million from Caltrans to effectuate slope repairs and reimburse costs

incurred.

Successfully defended \$19 million claim against project developer/owner for purported increased project costs resulting from claimed design errors and delays and disruptions supposedly driven by owner/developer conduct, involving a high rise, high end condominium project in Marina del Rey.

Prosecuting claims for owner and developer of residential and commercial projects in Porter Ranch for impacts from gas leak.

**LOS ANGELES**

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

**ORANGE COUNTY**

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

**SAN FRANCISCO**

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

Prosecuted interrelated, complex claims following a \$1 billion loss on a 1600 acre resort development in Hawaii. The claims included pursuit of \$120 million dollars in completion bonds for on-site and offsite highway and roadway improvements; \$100 plus million in claims against the developer and lender for failure to complete a clubhouse, Oceanside recreation facility, and sewer, electrical and water infrastructure; lender liability claims as a result of lender control of the project following developer default; in excess of \$35 million in breach of fiduciary duty claims against a project association and related E&O insurance claims.

Successfully defended defect claims against a major California developer for defect claims implicating multiple developments and more than 1000 homes. Following structured resolution, successfully collected costs incurred from responsible contractors and insurers.

Prosecuted \$65 million in claims against a first party insurer, contractors, third party insurers and developer on behalf of the project lender following a landslide that devastated a high end California resort.

Defended and prosecuted many landslide and adjacent support disputes for residential projects, resort developments and senior living facilities.

Defended defect claims and delay claims on public works project for freeway construction and successfully prosecuted and recovered \$10 million cross-claims for changed conditions.

#### Partnership/Corporate Governance Disputes

Successfully defended US pension fund from claims exceeding \$100 million for purported breach of fiduciary duty, fraud and unfair business practices asserted by a foreign pension fund, following the restructure and partial disposition of \$2.0 billion of jointly owned assets.

Defending lawsuit by co-owner for appointment of provisional director, breach of fiduciary duty, theft of corporate and partnership opportunities, and disposition and control of \$160 million of assets.

Defeated \$57 million claim against a fund sponsor and national developer for purported breach of fiduciary duties, fraud and derivative claims asserted by joint venture partner.

For a number of national owners/developers, prosecuted and defended claims for project control involving all types of projects (residential, commercial, industrial) and at all stages of construction (vacant-unentitled land, entitled land, during phased construction, during sales, etc.). Disputes included claims of waste, responsibility for cost overruns, breach of fiduciary duty, mismanagement and conversion, and involved claims between limited partners, shareholders, investors and lenders for different types of entities, projects and operations.

For national low income housing owners and developers, currently defending and prosecuting dozens of claims in different states for control following completion of the tax credit compliance period. The claims often include disputes over option/buyout rights, ROFR, valuation disputes and rights to control/veto financing and/or refinancing of existing debt.

Counseled client and litigated resolution of \$150 million family dispute over rights to ownership of, and claims of misappropriation and breach of fiduciary duties involving related companies with facilities and subsidiaries in the

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

US and China.

Successfully defended claims of fraud, misappropriation, self-dealing, breach of fiduciary duties, etc. between family members that owned an operated hotel and entertainment venues throughout the US. Structured resolution to vest complete control in client.

Defended and prosecuted governance claims between co-owners/managers of portfolio of assets including apartment buildings, storage facilities and commercial buildings Negotiated restructure of control, redistribution of ownership and related long term estate planning issues for ultimate beneficiaries or the real estate portfolio.

Litigated and counseled clients in dozens of buy-out disputes between co-owners, partners, shareholders and family members, involving disputes over the enforceability and compliance with buy-out provisions in governing documents. The disputes often involve fights over control, the efficacy of buy-out process followed, and valuation.

#### Fraud in the sale of Property

In Jury Trial successfully defended \$20 million fraud claim for alleged non-disclosures and misrepresentations in the sale of a Medical Office Building.

Prosecuted \$28 million fraud claim against the seller of retail center for failing to disclose, among other things, tenant defaults and insolvency.

Successfully defended fraud claims in the sale of a golf course, development lots and related amenities in the Coachella Valley.

Prosecuted over \$100 million of contract and fraud claims against the developer of a high end residential community with a golf course, residential lots, restaurant and club house in Hawaii.

Prosecuting \$5.0 million fraud and breach of fiduciary duty claims against a JV partner for misappropriation of a partnership opportunity.

#### Real Estate and Complex Commercial Litigation

Extensive experience handling all types of general RE litigation, including lease disputes of all kinds, contract interpretation issues, purchase and sale agreement disputes, club and HOA member disputes, easement disputes, property line disputes, nuisance and trespass claims, etc.

Obtained a favorable jury verdict for a REIT landlord against a biochemical research company tenant who had failed to decommission a radioactive materials license issued by the Department of Health Services. Also obtained prejudgment writ of attachment.

Obtained summary judgment holding in client's favor on commercial lease dispute in which the tenant asserted breach of lease and constructive eviction for: (i) landlord's use of the vacated space for landlord's own purposes; and (ii) landlord's refusal to negotiate a potential sublease for an alternate use of the space.

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

Represented a national golf course REIT in dispute over oil company's right to operate on-shore and off-shore oil pumping stations and related easement and access issues.

Litigated dozens of disputes between neighbors over property line disputes, encroachment issues, easement rights, height/view issues, nuisance claims, lateral support, landslide and water diversion.

Represented the purchase of a shopping center in efforts to rescind \$80 million acquisition and pursued related \$30 million fraud claim based on seller's failure to disclose tenant insolvency issues. In the same center, litigated tenant lease obligations to open and operate and breach of non-compete clause.

Represented national health care REIT in numerous litigation matters, including lease disputes, JV partner disputes, P&S agreement/closing disputes, breach of non-competition clauses and broker commission disputes.

Represented country clubs throughout the state in member disputes, including the right to assess members for expanded amenities, terminate memberships, control fights, construction disputes, neighbor disputes, and easement and access issues.

Defeated \$110 million claim of misappropriation of partnership and corporate opportunities asserted by investor partner. Assisted in the proper disposition of additional assets to minimize risk of similar claims.

Prosecuted interrelated, complex claims following a \$1 billion loss on a 1600 acre resort development in Hawaii. The claims included pursuit of \$120 million dollars in completion bonds for on-site and offsite highway and roadway improvements; \$100 plus million in claims against the developer and lender for failure to complete a clubhouse, Oceanside recreation facility, and sewer, electrical and water infrastructure; lender liability claims as a result of lender control of the project following developer default; in excess of \$35 million in breach of fiduciary duty claims against a project association and related E&O insurance claims.

### Insurance

Most litigation involves the potential for contribution by insurance carriers. We have an entire department with extensive expertise in analyzing insurance policies and finding insurance coverage for commercial disputes. I have successfully litigated many complex disputes and obtained contribution from insurance carriers to fund the losses (on behalf of plaintiffs and defendants). The types of litigation handled where insurance coverage issues were the sole issue in dispute or a major component of the litigation include:

Obtained summary judgment against an insurer for losses and defense costs involving nuisance and trespass claims resulting from supergraphic billboard disputes and related criminal claims brought for the LA City attorney.

Successfully prosecuted reformation action against numerous national insurance companies seeking to add coverage for an estimated \$500 million in coverage for national developer.

Litigated multiple rescission claims between insurer and insured based on the policy holder's claimed failure to disclose material information in the insurance application.

---

#### LOS ANGELES

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### ORANGE COUNTY

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### SAN FRANCISCO

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199

Obtained summary judgment in favor of an insured on the application of an exclusion for damage caused by electrical disturbance contained in the building owner's fire insurance policy.

Most of the litigation matters discussed above included, as a key component, the aggressive pursuit of claims against, and contribution from, insurance companies (CGL, Property, E&O, D&O).

## **PUBLICATIONS & SPEAKING ENGAGEMENTS**

---

### Publications

*When Winning Is Losing: California Supreme Court Clarifies Who Is A "Prevailing Party"*, CCN Client Alert, 2/1/2010

## **AWARDS & AFFILIATIONS**

---

### Awards & Recognition

- Recommended Attorney, Real Estate - Construction, *Legal 500 USA*, 2018
- Southern California Super Lawyers, 2012-2021

---

#### **LOS ANGELES**

2029 Century Park East, Suite 2100  
Los Angeles, CA 90067

**P** 310.284.2200 **F** 310.284.2100

#### **ORANGE COUNTY**

3121 Michelson Drive, Suite 200  
Irvine, CA 92612

**P** 949.260.4600 **F** 949.260.4699

#### **SAN FRANCISCO**

50 California Street, Suite 3200  
San Francisco, CA 94111

**P** 415.262.5100 **F** 415.262.5199