Lease Disputes & Restructuring

In Your Corner

As the COVID-19 pandemic takes its toll on the economy, both tenants and landlords may find it necessary to revisit lease agreements. Even though the real estate sector is familiar with economic cycles and market upheaval, the COVID-19 pandemic has created an environment in which leases may have to be rethought, renegotiated, terminated, or possibly even litigated. Our multidisciplinary team is stepping up in these extraordinary times to help tenants and landlords navigate the complex issues arising in lease disputes and restructuring.

Reach

Full Spectrum

Our team advises both landlords and tenants on leases in a variety of real estate settings, including office, retail, hospitality, healthcare, and industrial spaces. We help clients involved in all forms of lease disputes, including lease renewal, termination, assignment and subleasing, rent renegotiation, premise contraction or expansion, environmental considerations, and COVID-19-related retrofitting of premises. When matters cannot be resolved amicably, we fight for our clients in state and federal courts and before arbitration tribunals. In addition, we advise our clients on workouts and lease-related financing issues, including in bankruptcy cases.

We also help our clients stay informed in the rapidly evolving legal environment, from the CARES Act to local ordinances about reopening businesses safely, and provide actionable advice that keeps our clients prepared to act as new laws, regulations, and ordinances take effect and impact their lease-related rights and obligations.

Approach

Multidisciplinary Team Effort

Our team includes attorneys with the diverse skillsets and experience that are required to successfully deal with the complex issues tenants and landlords face in lease disputes. From attorneys who are members of the American College of Real Estate Lawyers to nationally recognized litigators and bankruptcy attorneys, we know how to outperform the competition and deploy the perfect lease dispute strategy for each client's circumstances. We use our decades of experience in negotiating, financing, restructuring, and litigating leases, from both the landlord and the tenant perspective, to provide practical and actionable solutions with our clients' business goals in mind.

Our clients benefit from the firm's emphasis on cross-practice collaboration because we have worked with each other on many previous occasions and therefore can field the appropriate team for each matter. Regardless of how complex the lease dispute is or how many ancillary issues it may entail, we have the dedicated and experienced attorneys to handle it.

Experience

Represent regional owner and operator of retail centers throughout the southeast in dozens of lease renegotiations and litigation relating to COVID-19.

Represent retail center owner in Raleigh, North Carolina in connection with litigation related to operating issues and nonpayment of rent.

Represent large, open-source software company in renegotiation of multiple retail and office subleases in connection with COVID-19 issues.

Represent technology company in litigation with commercial landlords in multiple states related to repair and payment obligations at office and warehouse space, including COVID-19-related disputes.

Represented commercial tenant in lease dispute with landlord related to COVID-19 rent abatement and restructuring.

Engaged in negotiations with the City of New York to revive a lease of a hospitality space previously valued at over $250 million.

Defended Fortune 500 company in litigation with landlord related to repair obligations at distribution facility.

Represented commercial landlord in litigation with tenant over failure to pay rent and other fees.

Represent landlord of rejected lease in Tailored Brands (Jos. A. Bank) bankruptcy case.

Represent landlord of assumed lease in LVI (LASIK Vision Institute) bankruptcy case.

Primary Contacts

John C. Livingston

Partner

t 919.420.1768

jlivingston@ktslaw.com

Jason M. Wenker

Partner

t 336.607.7416

jwenker@ktslaw.com