

## **CASES KENNETH LEONARD WAS INVOLVED IN AS AN EXPERT WITNESS**

### **JOSEPH SERFECZ AND FIRST CHICAGO TRUST COMPANY OF ILLINOIS, TRUSTEE OF TRUST NO. 684 v. JEWEL FOOD STORES, INC. et.al. U.S. District Court, Northern District of Illinois, Eastern Division, Docket No. 95C4171**

Plaintiff/Landlord sued Defendant/Tenant for damages in connection with an improper renewal of Lease on a vacant store.

I was asked to interpret the renewal clause and the rental clause of the Lease for the extended term.

### **AMERICAN NATIONAL BANK & TRUST COMPANY, et. al. v. HARCROS, et. al. U.S. District Court, Northern District of Illinois Eastern Division, Docket No. 95C3750**

Plaintiff/Landlord sued Defendant/Tenant for damages in connection with a proposed sub-lease of an industrial building.

Retained by Defendant to interpret sub-lease clause and provide expert opinion as to brokerage commission and possible conflict of interest.

### **BROOKFIELD SQUARE JOINT BENTURE v. WENDY'S INTERNATIONAL, INC. AND BRIDGEMAN FOOD II, INC. Circuit court, state of Wisconsin, Milwaukee County, Docket No. 97CV0077008**

Plaintiff/Landlord sued Defendant/Tenant for damages in connection with violation of Lease clause and rental payments.

Retained by Defendant to interpret lease clauses involving "Exclusive Use" provisions and standards of care in regard to appropriate leasing and merchandising of the shopping center.

### **JODY SANTIAGO v. PYRAMID CROSSGATES COMPANY AND HOYT CINEMA CORPORATION State of New York Supreme Court, County of Albany, Index No. 7066-94**

Plaintiff/Customer sought damages for negligence and personal injury against Defendants/Mall Owner and Tenant in a movie theatre in a regional mall when a ceiling tile fell injuring Plaintiff.

Retained by Plaintiff to investigate and provide expert opinion that the roof had been leaking after numerous requests to repair and that the tenant had not taken proper safety precautions to protect their customers.

**LaSALLE NATIONAL BANK, et. al. v. FILA USA, INC. Circuit Court of Cook County, Illinois Municipal Department, First District, Docket No. 97M1156622**

Plaintiff/Landlord sued Defendant/Tenant for damages due to early termination of the Lease.

Retained by Defendant to provide expert opinion and interpretation of Lease Clauses involving Tenant Relocation and Landlord default.

**GLEN HOLLOW PARTNERSHIP v. WAL-MART STORES United States Court of Appeals, Seventh Circuit, Chicago, Illinois, Case No. 98-3135**

Plaintiff/Property Owner sought recovery of damages to property from Defendant/Tenant for misrepresentations and dealing in bad faith and violation of Terms of Letter Of Intent.

Retained by Plaintiff to provide expert opinion on industry practices and standards of care.

**GREENBERG BLATT MANAGEMENT, L.P. and EDWARD KOHN v. SCHNUCK MARKETS, INC. Missouri Circuit Court, Twenty-First Judicial Circuit, Case No. 21C9810664**

Plaintiff/Owner sued Defendant/Tenant for damages in connection with sub-lease of vacant store.

Retained by Defendant to interpret "Exclusive Use Clause" and to provide expert opinion on industry practices regarding the classification of disputed merchandise

**FRANK SORRENTION and JEANNE SORRENTINO v. STANLEY BROWN d/b/a/ STANLEY BROWN JEWELERS; CARD CITY WEST d/b/a CARD CITY USA, CARLTON CARDS, a Subsidiary of American Greeting, Corp.; AMERICAN GREETING CORP., Circuit Court of Cook County, Law Division, Case No. 96 L 15111**

Plaintiff/Landlord of a commercial property sought damages against Defendant/Prospective Tenant for actions taken during prospective tenant's inspection of the property which resulted in personal injury.

Retained by Defendant to provide expert opinion regarding standards of care and industry protocol during property inspections.

**BRENDA RUTH VICKERS, etc. v. CITY OF MOBILE, et. al. Circuit Court of Mobile, Alabama**

Plaintiff/Customer sought damages for negligence and wrongful death from Defendant/Shopping Center Owner based upon unsafe design of parking lot and traffic barriers.

Retained by Plaintiff to investigate and provide expert opinion to establish that the flawed design and lack of proper safety barriers were intentional.

**ANTHONY RUSSELL LAYNE, et. al. v. CUMMINGS & WHITE-SPUNNER, INC. et. al. Circuit Court of Mobile County, Alabama, Civil Action No. CV 98-308**

Plaintiff/Customer sought damages for negligence and wrongful death from Defendant/Shopping Center Owner based upon unsafe design of parking lot and traffic barriers.

Retained by Plaintiff to investigate and provide expert opinion to establish that the flawed design and lack of proper safety barriers were intentional.

**JEFFERSON SQUARE MALL v. MENARD US District Court, Northern District of Illinois, Eastern Division, Case No. 00C2354**

Plaintiff/Landlord of an enclosed mall sued Defendant/Anchor Tenant for business losses Plaintiff sustained when Tenant denied customer access from mall and expanded store outside of boundaries by Site Plan and Lease.

Retained by Plaintiff to provide expert opinion regarding interpretation of Reciprocal Easement Agreement and Site Plan.

**Morris & Sons, Inc., an Illinois Corporation v. River West Plaza Chicago, LLC. And Illinois Limited Liability Company, and the Home Depot, INC., a Delaware Corporation Circuit Court of Cook County, Illinois County Department, Chancery Division, Case No. 04CH00389**

Plaintiff/ Tenant sued Defendant/Landlord to prevent expansion of the center that would adversely impact Tenants ingress, egress, visibility and parking ratios.

Retained by Plaintiff to interpret Lease clauses and Site Plan which controlled allowable expansion and conditions during renovations.

**Pavilions at Buckland Hills, LLC v New Grind, INC. D/B/A Coffee Beanery LTD. Superior Court Housing Session Judicial District of Hartford at Hartford Docket No. CVH-6872**

Plaintiff/Landlord sued Defendant/Tenant for damages in connection with early cancellation of Lease.

Retained by Plaintiff to interpret Lease clauses having to do with Exclusive Use and Leasing Plans having to do with location of competing uses.

**Duane Reade Inc., v St. Paul Fire and marine Insurance Company United States District Court Southern District of New York, Case No. 02 CIV. 7676 (JSR)**

Plaintiff/Insured sued Defendant/Insurer for damages in connection with suitability of relocation allowance after destruction of World Trade Center.

Retained by Defendant to provide expert opinion as to timing and costs associated with finding comparable locations.

**THE CELLULAR SUPERSTORE, INC. a Nevada Corporation v ROUSE F.S., LLC, A Maryland limited liability Company; individual, DOES I through X; and ROE CORPORATION XI through XXII, inclusive District Court Clark County, Nevada, Case No. A499873**

Plaintiff/Tenant sued Defendant/Landlord for damages in connection with forced relocation in Mall due to renovation and expansion.

Retained by Defendant to provide expert opinion as to comparability of alternate locations and industry standards and practices.

**TRUST GROUP, INC., v GENERAL GROWTH PROPERTIES, INC., WESTROADS MALL, LLC THE CHEESECAKE FACTORY RESTAURANTS, INC., AND MAY DEPARTMENT STORES COMPANY, District Court of Douglas County, Nebraska, Docket 1053**

Plaintiff/adjoining land owner sued Defendant/Mall owner for damages in connection with future residual value of land and building, as vacant, due to encroachment on protected parking field.

Retained by Defendant to interpret Reciprocal Easement Agreement (REA) and provide expert opinion as to future value of land and building with and without encroachment of parking.

**SEARS, ROEBUCK AND CO., a New York corporation v. HHT DEVCO, L.L.C. a Delaware limited liability company State of Michigan In The Circuit Court For the County of Oakland, Case No. 05-06997-CK**

Plaintiff/Anchor Tenant sued Defendant/Mall owner to prevent occupancy by unsuitable co-tenant.

Retained by Defendant to interpret REA clauses regarding compatibility and classification of allowable co-tenancies.

**Vivit Square LP, and LaSalle Asia Recovery International I S.a.r.l., and LaSalle Asia Recovery International II S.a.r.l., American Arbitration Association Ref. No. 50 180 T 00020 06**

Plaintiff/Fee Developer sued Defendant/Owner regarding bonus payment (success fee) in connection with sale of finished project.

Retained by Defendant to interpret Development Contract regarding definition of success, quality of development and industry standards in Japan as to probable future value and rental income from troubled mall.

**MATHER INVESTMENT PROPERTIES, L.L.C v. HANSON PROFESSIONAL SERVICES, INC., d/b/a/ HANSON ENGINEERS INCORPORATED, Circuit Court For The Seventh Judicial Circuit Sangamon County, Illinois**

Plaintiff/Land Owner sued Defendant/Environmental Engineer for damages in connection with alleged malpractice.

Retained by Defendant to provide expert opinion as to industry standards and practices in connection with Phase I Environmental Reports.

**TEUSCHER CHOCOLATES, LLC v. HG GALLERIA, I, II, L.P.; In the 234<sup>th</sup> Judicial District Court of Harris County, Texas**

Plaintiff/Tenant sued Defendant/Landlord for damages and lost profits due to breach of Lease.

Retained by Defendant to interpret Lease Clauses having to do with Construction and Tenant Allowances.

**SPIRTWORKS, LLC as successor to PROFESSIONAL PHOTOGRAPHERS OF AMERICA v. FISERV, as successor to FISERV SOLUTIONS, INC. as successor to FIPSCO, INC. in Circuit Court of Cook County, Illinois County Department, Law Division NO. 2007 L 009274**

Plaintiff/Landlord sued Defendant/Sole Tenant of an office building over damages to property.

Retained by Plaintiff to provide expert opinion as to what constituted normal wear and tear as well as cost of repairs.

**JEHA FAMILY TRUST v. BROAD HOLDINGS, INC., and CLEARWATER CROSSING OWNERS ASSOCIATION, Inc., In The Marion Superior Court, County of Marion CAUSE NO: 49D05-0606-PL-024627**

Plaintiff/Outlot owner sued Defendant/Landlord for damages and lost profits due to inappropriate refusal to modify Site Plan Restrictions.

Retained by Plaintiff to interpret industry standards regarding Site Plan Restriction and Easement Agreements.

**SUNIL PURI, LLC AN ILLINOIS LIMITED LIABILITY COMPANY v. RADIOSHACK CORPORATION f/k/a TANDY CORPORATION, COMPUTER CITY INC. aka COMP USA, In the State of Illinois the Circuit Court of the Seventeenth Judicial Circuit Court of Winnebago No 2008LM815**

Plaintiff/Landlord sued Defendant//Guarantor of current tenant's Lease over rental payments.

Retained by Defendant to provide expert opinion as to reasonable efforts to mitigate damages.