

# Real Estate Solutions

## Dispute and Litigation Advisory

The complexity and size of today's real estate markets for investment, finance, development and operations means that disputes will inevitably arise. The FTI Consulting Real Estate Solutions team provides clients with valuable insight and clarity, assisting with every phase of the dispute resolution process – starting from early case assessment, pre-litigation strategy and discovery to forensics, analytics, litigation/mediation consulting, expert testimony and trial. With proven financial, economic and industry expertise, FTI Consulting helps clients unravel challenging business issues and resolve disputes in a cost-effective and expedient manner.

### CLIENTS OFTEN SEEK OUR DISPUTE AND LITIGATION ADVISORY TEAM FOR DISPUTES INVOLVING:



**Commercial Real Estate**



**Hotels, Resorts and Casinos**



**Special Use: Single Family Rental, Self Storage & Others**



**Senior, Student and Military Housing**



**Hospitals and Healthcare Facilities**



**Homebuilding**



**Land Development**



**Timeshare and Other Fractional Ownership**



**Real Estate Lending and Servicing**



**Real Estate Operating Companies**



**Whole Loans, CMBS, RMBS, CDOs and CLOs**

### Why FTI Consulting

#### Experienced Professionals

Our team is comprised of highly credentialed and experienced professionals with deep and wide-ranging knowledge of real estate and real estate finance. Our expertise includes real estate operations, valuation, real estate lending and investing, economics, accounting, structured finance, tax, construction and engineering and project management.

Our Dispute and Litigation Advisory team has a successful track record of assisting clients in every phase of the dispute resolution process. Our clients benefit from the value we bring through:

#### Top-Notch Expertise

- Early case assessment, risk analysis and pre-litigation strategy
- Expert testimony in federal and state courts and domestic and international arbitration
- Persuasive, seasoned and credible expert witnesses
- Litigation consulting expertise and support, including evaluating the client's experts and opposing experts
- Forensic accounting and financial analysis
- Data analytics and sophisticated technology to aid investigations and e-discovery
- Comprehensive trial services, graphics and courtroom technology support

## SELECTED REPRESENTATIVE ENGAGEMENTS

### Forensic Accounting Investigation/Analysis

Served as Chief Restructuring Officer, Financial Advisor and performed forensic accounting investigation on an alleged Ponzi scheme involving a real estate investment firm with dozens of properties, 1,500 investors and \$600 million of investor funds.

### Reorganization Plan Feasibility

In numerous cases involving different asset classes and on behalf of borrowers and secured lenders, provided expert witness testimony in connection with Chapter 11 plan feasibility, default interest claims, the appropriate post-confirmation interest rate and other issues.

### Solvency Analysis/Fraudulent Transfer

In multiple cases, provided expert witness reports in connection with avoidance actions, including for a celebrity chef-branded restaurant chain and a 3,592-acre master-planned residential and resort community near Las Vegas. Opined on solvency as of the transaction date, reasonableness of the contemporaneous cash flow projections and the causes of subsequent insolvency.

### Hotel Management and License Agreement Termination/Operational Issues

Represented defendant developer of a portfolio of hotels in China in connection with the early termination of multiple management and license agreements; provided testimony in numerous disputes concerning operational issues in lodging, gaming and fractional ownership.

### International Arbitration

Testified on complex real estate matters in international arbitration in Paris, Singapore, Washington, D.C. and other jurisdictions. Disputes have ranged from takings, partnership disputes, corporate raiding and similar matters where our focused expertise on real estate can illuminate the issues and most effectively inform tribunals.

### Insurance Claims

Engaged by multiple insureds to quantify damages in a variety of disputes. On several COVID-19 related claims and in other matters, our professionals developed sophisticated economic and statistical models to quantify losses.

### Loan Underwriting/Origination

In several cases, provided expert witness testimony for plaintiffs and defendants on matters related to CMBS and RMBS loan underwriting and origination practices, as well as potential breaches of issuers' representations and warranties. For RMBS "put-back" litigation involving over 2,240 loans, estimated potential damages on behalf of the defendant.

### Damages Expert/Partnership Dispute

Provided expert witness testimony related to damages and missed development opportunity in international arbitration proceedings involving a partnership dispute regarding capital contribution in connection with a major luxury fractional ownership/hotel resort development in Mexico.

### Valuation/Tax Consulting

In an attempt to avoid litigation between business partners, provided valuation and tax consulting services to facilitate a fair separation of a portfolio of 45 real estate assets in multiple asset classes.

## AWARDS & ACCOLADES

# Forbes

America's Best  
Management  
Consulting Firms  
9 Consecutive Years

LEXOLOGY  
INDEX

Lexology Index's  
Consulting Experts Guide

# 100/100

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