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Yankwitt LLP Prevails in Real Estate Dispute, Secures Down Payment for its Defendant Client After the Plaintiff's Breach of Contract

Yankwitt LLP prevailed in a complex real estate dispute over the down payment paid by the plaintiff buyers to Yankwitt LLP's clients, including a former high-ranking cabinet member in the Clinton administration, in connection with the short sale of the clients' home.

After the plaintiffs agreed to purchase the multi-million dollar estate and made the down payment, they breached the purchase contract when they refused to close on the transaction. The plaintiffs then turned around and sued Yankwitt LLP's clients and their transactional attorney, claiming it was the sellers who had [breached the contract](#) and seeking the return of their down payment. The plaintiffs also filed a *lis pendens* that encumbered the property. Yankwitt LLP filed a motion to dismiss the plaintiffs' claims based on their failure to close and the improperly filed *lis pendens*. The motion also argued that the plaintiffs failed to state any claims against the defendants' real estate attorney.

The court granted the motion to dismiss the complaint in its entirety, canceled the *lis pendens*, and awarded the defendants a declaratory judgment entitling them to the down payment under the contract. The court also ruled that the plaintiffs could not maintain claims for negligence, breach of covenant of good faith, and violations of New York's consumer protection law against the defendants' real estate lawyer.

Yankwitt LLP is now pursuing sanctions and attorneys' fees against the plaintiffs and their attorney's for seeking to relitigate the motion to dismiss. The firm has also instituted a separate action against the buyers for abusing the judicial process by filing their original complaint and *lis pendens*.