



Eve A. Brackmann

Partner Litigation

Los Angeles

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Focus Areas

Commercial Real Estate
Shopping Center and other Commercial
Leasing Disputes
Cannabis
Property Management Issues
Construction Law
Appeals in both California and Federal
cases

Highlights

Record of Success:

Eve holds an established record of success representing clients in various real property and business disputes.

Award-Winning Litigator:

Eve has been recognized as a Best Lawyer in America since 2018 and a Southern California Super Lawyer since 2016.

Diverse Practice:

Eve is a force of nature in both commercial real estate and high-stakes commercial litigation. Clients also seek her for her winning record on appeal, including several published, groundbreaking appeals.

Experience

Eve Brackmann serves as lead counsel in jury and bench trials in all California state and federal courts and she is well known for her effective private arbitration work. Her real estate practice covers high-stakes litigation for casino developers, shopping center owners, mortgage companies, and big-box retailers. Her business litigation practice covers disputes in venture partnerships, manufacturer and distributor disputes, contract-related lawsuits, fiduciary duty, unfair competition, defamation, trade secret, and anti-SLAPP lawsuits. Eve also has significant experience

with high-stakes Homeowners' Association Disputes, as well as cannabis-related matters.

In the community, Eve serves as Director at Large on the Board of Directors for the Orange County Bar Association (OCBA) as well as co-chair of the OCBA Mentoring Committee, a member of Litigation and Real Property law sections in both the Los Angeles County and Orange County Bar Associations, the Cannabis law section of the Los Angeles County Bar Association, and she has served for over a decade as an arbitrator on the OCBA's Mandatory Fee Arbitration Panel.

Eve also serves as a director on the board of the University of San Diego Law School Alumni Association/Orange County Chapter, and she is a member of the University of Southern California Alumni Association. Other organizations to which Eve devotes significant time include California Women Lawyers, the Association of Business Trial Lawyers, Women Lawyers Association of Los Angeles, the American Bar Association, and the National Order of the Barristers. She is also a longstanding member of the Banyard Inn of Court (Master Benchers/Barrister).

Representative Matters

- Won at trial in post-pandemic Los Angeles Superior Court on behalf of a medical office tenant defrauded by a landlord
- Successfully defended national grocery chain in seven-figure dispute filed in Los Angeles Superior Court, with landlord regarding condition of store at turnover, resulting in settlement for nominal payment to plaintiff;
- Obtained a highly favorable settlement for a national grocery conglomerate in a commercial leasing dispute relating to a cannabis co-tenant;
- Won at trial on behalf of a property owner for claims against City of Long Beach for condition of commercial property upon turnover at expiration of lease. Won on appeal following the trial;
- Obtained almost \$700,000 judgment at trial in San Bernardino Superior Court, against deadbeat commercial tenant, for failure to pay rent;
- Settled favorably on the courthouse steps on behalf of a national footwear manufacturer in a coverage dispute in federal court, for subsidence of a commercial building;
- Handled multiple matters concerning boundary disputes, land use, and eminent domain for a multi-national logistics company;
- Obtained payment in full, plus damages, for an interior designer adverse to a homeowners' association that failed to pay full contract amount for design services in two large residential multi-family buildings;
- Represented luxury property brokerage network in dispute regarding six-figure commission. Settled for significant payment to client, as well as co-agent credit on the underlying transaction with sale price over \$7 million;
- Successful appeal of Orange County tax assessment on multiple commercial and residential properties, resulting in a decision by OC Assessment Appeals Board in favor of clients, after hearing, reducing taxable base value of properties by over \$1 million;
- Represented investors who were deceived out of \$1.5 million in a house-flipping scam in ongoing dispute in Santa Clara Superior Court;
- Represented Argentina-based website designer in a contract dispute with a Los Angeles based online luxury retailer, regarding payment of full contract price for website development. Settled for significant cash payment to client;
- Represented borrower in Orange County Superior court case against lender refusing to reconvey title and refund

overpayments on loan. After a two-day bench trial, the court issued a decision in favor of client and awarded full damages to plaintiff for all overpayments, as well as quiet title, and subsequently awarded full amount of attorney fees and costs requested;

- Defended seller of boutique hotel sued by buyer, a Chinese investor, in Orange County Superior Court, for post-closing issues related to a parking easement. After cross-claiming against both buyer and escrow for bad-faith failure to return six-figure holdback funds, settled with buyer and escrow for net-positive six-figure payment to client;
- Represented guarantors of a \$64 million loan concerning a dispute with lender regarding condition of store at turnover, resulting in settlement for nominal payment to plaintiff.

Published appeals:

- *Rodriguez v. American Technologies, Inc.* (2006) 136 Cal.App.4th 1110
- *Havasu Lakeshore Investments, LLC v. Fleming* (2013) 217 Cal.App.4th 770
- *Waterwood Enterprises, LLC v. City of Long Beach* (2020) 58 Cal.App.5th 955

Credentials

Education

University of San Diego School of Law

2004

University of Southern California

2001

Associations and Memberships

Orange County Bar Association (Director at Large, Litigation and Real Property Law Sections; Mentoring Committee; Resolutions Committee; Mandatory Fee Arbitration Committee)

Banyard Inn of Court (Master Benchers/Barristers)

California Women Lawyers (CWL)

University of San Diego (Orange County) Law Alumni (board member)

Conference of California Bar Associations (Former Director)

Annual Conference of Bar California Associations (Delegate)

Los Angeles County Bar Association (Outstanding Young Lawyer of the Year, Real Property Section, 2014; Litigation and Real Property Sections)

Project HOPE School Foundation (past president)

Association of Business Trial Lawyers, Orange County Chapter

Commercial Real Estate Women (CREW) Orange County and National Chapters

USC Alumni Association

USD Alumni Association

Women Lawyers Association of Los Angeles

American Bar Association

National Order of Barristers

Phi Delta Phi Legal Fraternity

Honors and Awards

Best Lawyers, Real Estate Litigation (2018-2023)

Southern California Super Lawyers (2016-2023)

Super Lawyers, Rising Star (2013-2014)

Los Angeles Magazine, Top Attorney (2014)

Los Angeles County Bar Association, Real Property Section, Outstanding Young Lawyer of the Year Award (2014)

Admissions

California, 2004

United States Court, Ninth Circuit Court of Appeals

United States District Court, Central District of California

United States District Court, Eastern District of California

United States District Court, Southern District of California

United States District Court, Northern District of California

United States Court, District of New Jersey (pro hac vice)

Knowledge

World Bank Doing Business Report, Registering Real Property, Stuart Kane's Lead Contributor (2014-2020)

Shopping Center Law & Strategy, International Council of Shopping Centers, "Readjusting Standards for Consent to Subletting in a Changing Shopping Center Landscape" (Winter 2018)

Orange County Business Journal, "Streamlining and Managing Litigation-Is Technology Friend or Foe?" (October 2018)

Shopping Center Law & Strategy, International Council of Shopping Centers, "Does a "Groceries" Exclusive Include Alcoholic Beverages for OffSite Consumption?" (Winter 2017)

Orange County Business Journal, "The Best Efforts Standard in California: Still a Rolling Stone (and What to Do About It)" (October 2017)

Orange County Business Journal, "First Across the Finish Line: Best Practices for Early Settlement" (October 2016)

Orange County Business Journal, "It's Obamatime! Get Ready for Changes in the Federal Overtime Laws" (June 2014)