



## **MARK J. AUSTIN**

### **Partner**

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### **BIOGRAPHY**

Mark Austin is a partner at the law firm of Burke, Williams & Sorensen, LLP, where his legal practice focuses on business and municipal litigation, with emphases real estate litigation, land use litigation, municipal tort defense (including employment-related torts and wrongful death matters), partnership disputes, and environmental litigation. Mark has extensive trial experience, having handled multiple successful jury trials, bench trials, and arbitrations, and has successfully argued before the California Court of Appeal over a dozen times. From 2007 through 2014, Mark was consistently named a California “Rising Star” by Super Lawyers magazine due to his demonstrated skill in civil litigation.

Mark began his career focusing on litigation for and against public entities, with cases including complex land-use matters, employment and discrimination disputes, constitutional claims, and wrongful-death tort claims. Since that time, Mark has expanded his practice to include complex commercial disputes on behalf of developers and businesses of all sizes, general real-estate litigation, and environmental litigation. In his several years of practice, Mark’s clients have included residential and commercial developers, nationally recognized private companies, cities, counties, small businesses, and private homeowners.

In addition to his litigation focus, Mark has also advised both developer and public-agency clients on acquisition and local permitting issues on a broad array of development projects, and has negotiated and drafted various real estate, acquisition, and financing instruments, including purchase agreements, easements, deeds, leases, city and county permits, and others. He has acted as deputy city attorney for a number of cities, and in 2015 he acted as the Interim City Attorney for the City of Calexico and as the general counsel for the South Coast Regional Occupational Program.

### **REPRESENTATIVE MATTERS**

- Has successfully handled numerous cases—in both trial courts and arbitrations—involving disputed boundary claims and easement and other property rights.
- Successfully represented property owner in month-long arbitration against seller and broker over misrepresentations that property would include an appurtenant easement.
- Successfully defended water district against lawsuit alleging breach of easement agreement, by making successful summary judgment motion on ground that covenants plaintiff sought to enforce did not run with land.
- Successfully defended large developer in complex fraud and breach-of contract action brought by several homeowners in new housing tract.
- Successfully represented developer in lawsuit against City of Pasadena relating to City’s failure to follow directives under environmental law concerning development project.
- Successfully represented real-property seller in lawsuit against Montebello Redevelopment Agency for breach of purchase contract.
- Successfully defended City of Anaheim in reverse validation action challenging resolutions for issuance of \$300 million in bonds to fund expansion of Anaheim Convention Center.



- Successfully defended businessman/developer in month-long arbitration brought by developer's former business partner for accounting and alleged misuse of funds.
- Successfully represented ousted members of development partnership in dispute with former partners for portion of company's profits.
- Successfully represented large grocery chain in class-action lawsuit relating to car-towing policy.
- Successfully defended City of Arroyo Grande in writ-of-mandate and constitutional action challenging City's adoption of general plan amendment.
- Successfully represented school district in lawsuit against district's architect for negligence and breach of contract.

## **BACKGROUND**

### **EDUCATION**

J.D., Loyola Law School, Los Angeles, 2000

B.A., Social Ecology/Criminal Justice, University of California, Irvine, 1997

### **PRACTICES**

Litigation

Public Law

Tort Claims and Products Liability

### **LOCATIONS**

Orange County

### **ADMISSION**

State Bar of California

Supreme Court of California

United States District Court for the Central District of California

### **AFFILIATIONS**

Orange County Bar Association

### **RECOGNATIONS**

Selected to Southern California Super Lawyers, Rising Stars Edition, 2007-2014