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Partners Notes

Kelley Drye's Pro Bono Litigation Yields Significant Civil Rights Decision

A significant ruling was recently issued in *The Equal Rights Center v. AvalonBay Communities, Inc.*, a case involving allegations of discrimination against persons with disabilities. Kelley Drye and its co-counsel, The Washington Lawyers Committee for Civil Rights and Deckert LLP, argued that AvalonBay Communities, Inc., a developer of residential real estate, failed to comply with the design and construction requirements of the Fair Housing Act and the Americans with Disabilities Act.

In denying the defendants' motion to dismiss the complaint, United States District Judge Alexander Williams, Jr., of the District of Maryland, ruled that the Equal Rights Center had standing to bring the action and that the "continuing violation" theory applied to the purported statute of limitations defense.

AvalonBay Communities, Inc. had

argued that, as the Fair Housing Act has a two-year statute of limitations, the only properties properly at issue in the litigation were those designed or constructed within two years of the filing of the complaint. Judge Williams disagreed, holding that, "AvalonBay's discriminatory behavior did not 'terminate' until the construction of the last non-compliant building. Thus, the statute of limitations does not prevent the ERC from bringing claims based on the buildings constructed more than two years before the filing."

Kelley Drye's team on these pro bono matters includes partner John E. Heintz and associates Andrew S. Wein and Justin F. Lavella. The decision is available at *The Equal Rights Center v. AvalonBay Communities, Inc.*, No. 05-2626, 2009 WL 1153397 (D. Md. March 23, 2009).

Proskauer Rose Ranked As Leading Law Firm In U.S. Legal 500

Proskauer Rose LLP has again been named one of the top law firms in the United States – with 27 practices noted as being among the best in their fields – in *The Legal 500* 2009 rankings of the top U.S. corporate and finance law firms. In addition, 79 lawyers were individually recognized.

The rankings show a 42 percent increase in the number of Proskauer practice areas cited, and a 22 percent increase in lawyers recognized over the prior year.

Proskauer's rankings in the independent study were highlighted by first-tier ratings in nine practice areas: bank lending - East Coast; employee benefits; ERISA litigation; labor & employment litigation; management relations; workplace & employment counseling; antitrust - New York; marketing and advertising - litigation; and sports.

The firm was also named a leader in

these *U.S. Legal 500* categories: Finance (Capital Markets – Equity Offerings; Advice to Managers, Capital Markets – High Yield Debt Offerings); Intellectual Property (Trademarks; Litigation); Investment Fund Formation and Management (Alternative/Hedge Funds, Private Equity Funds, Venture Capital Funds); Labor & Employment (Executive Compensation, Immigration); Litigation (Insurance – Advice to Policyholders, Trade Secrets, White Collar Criminal Defense – Full Service); Mergers, Acquisitions and Buyouts (Mergers & Acquisitions – National Firms – Large Deals, Private Equity Buyouts); Media, Technology and Telecoms (Film, Music, Theater & Television – Advice to Corporates, Film, Music, Theater & Television – Advice to Talent); Real Estate (New York – Transactions); Tax (Domestic Tax – East Coast, Employee Benefits).

King & Spalding Obtains \$133 Million Arbitration Award Against Government Of Egypt

King & Spalding recently announced that a transatlantic team of lawyers from its international arbitration practice secured a \$133 million award against the Egyptian government in a high-profile, long-running dispute involving the expropriation of a 161-acre resort property on the Red Sea. The award is the largest ever granted to individual claimants by the International Centre for Settlement of Investment Disputes (ICSID), it is also the seventh-largest ICSID award ever rendered.

King & Spalding's clients, Italian citizens Waguih Siag and Clorinda Vecchi, were the owners and principal investors in a project to develop a resort on the Egyptian side of the Egypt-Israel border on the Gulf of Aqaba. An ICSID tribunal determined that Egypt had violated an investment treaty between Italy

and Egypt that protected investments by Italians in Egypt. The tribunal held that Egypt had illegally seized the property from Siag and Vecchi, repeatedly failed to respect the rulings of its own judiciary and failed to offer the pair any measure of protection or security in relation to their investments. The tribunal awarded Siag and Vecchi approximately \$127 million in damages and interest and an additional \$6 million in legal expenses.

The King & Spalding legal team representing the clients in the matter was led by partners Reginald R. Smith (Houston), Craig S. Miles (Houston) and Kenneth R. Fleuriet (London) and assisted by associates Heloise Herve (London), Sarah Zagata Vasani (Washington) and Amin M. Husain (New York).