



Cullen and Dykman Attorneys Win Dismissal of a Major Real Estate Litigation Action Against LA Fitness

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This week, a team of Cullen and Dykman litigators led by partner Scott Greenspan, along with partners James Ryan and Jennifer McLaughlin and associates Ariel Ronneburger and Ryan Soebke successfully represented LA Fitness, the world's largest privately-held fitness company, resulting in a total court victory.

A Rochester Supreme Court Judge granted the motion to dismiss a lawsuit against LA Fitness by a neighboring property owner, who claimed that an ingress/egress easement ran right through the center of the health club to connect the neighboring property with the main road.

The court's decision to dismiss the case against LA Fitness resulted in saving the health club, significant investments in the club, and the jobs of dozens of the club's employees.

The judge dismissed the case before any discovery was taken. Specifically, the court held that virtually all of the allegations in the complaint were barred by the statute of limitations and that the complaint failed to state any viable causes of action. The court also reformed an agreement signed by the neighboring land owner to reflect the intent of the parties to extinguish the easement at issue.

Cullen and Dykman partner Scott Greenspan praised the judge's decision, stating, "We are gratified that the judge agreed with all of our positions in our motion to dismiss and completely vindicated our client's interest. We are especially pleased that the judge's decision spared our client from significant discovery costs often associated with these types of matters. Simply put, the judge got it right."

Attorneys

- Ariel E. Ronneburger
- Ryan M. Soebke