



## Court Sides with ECG, Dismisses Sham Lawsuit Against Anaheim Hotel Operator

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On Tuesday, Judge William Brenner threw out a lawsuit filed a year earlier by Pyrovest Corp., the owner of a 10-acre parcel across the street from the Disneyland Resort. Judge Brenner found there was “no way” Pyrovest could possibly prove its claims. Pyrovest, an entity controlled by the Lim family of Kuala Lumpur, Malaysia, sued the existing tenant of the property, claiming the tenant’s brief exercise of a right of first refusal had interfered with Pyrovest’s deal to sell the property to a local developer, Pointe Anaheim. Pointe Anaheim has been trying to acquire title to the property for almost three years as a critical component of a planned \$500 million shopping and entertainment complex adjacent to Disneyland.

“The lawsuit was a sham from the very beginning,” says David A. Robinson, the tenant’s attorney. “What we didn’t know when Pyrovest first

filed the suit was that Pointe Anaheim still wanted to buy the property. It turns out that both my client and Pointe Anaheim were kept in the dark to foster the impression that the deal with Pointe Anaheim had died. As it turns out, this was not the case.” Similarly, according to Pointe Anaheim partner, Robert Shelton, Pyrovest’s attorneys misled Pointe Anaheim into believing the tenant still was holding up the deal. In his deposition, Shelton described his reaction when he learned much later that the tenant had almost immediately abandoned its competing bid to buy the property: “...if I had false teeth, they would have fallen out. It just was so inconsistent with anything that I had heard as to be shocking. I mean appalling. Shocking. I don't know what word to characterize it as best.”



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