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The Blonder Group, LLC wins case against Green Hills Grille

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Real estate broker Ira Blonder has won his case against Green Hills Grille, and on Thursday was awarded damages of more than \$160,000 for commissions, interest and legal fees.

The sum Blonder won isn't a tremendous hit to Green Hills Grille's owner Specialty Restaurant Development. But how the company lost turned out to be quite a drama.

Blonder's Sherrard & Roe attorneys, Phillip Cramer and Mark Carver, found a smoking gun that gutted the company's defense — e-mails the company had withheld in the discovery process. Those e-mails countered the company's argument that its representative had not been authorized to retain Blonder.

Once the messages were discovered, the company's original attorneys, Suzanne Pearson and Kathryn Olita, both of Clarksville firm Batson, Nolan, Williamson, Pearson & Miller, withdrew from representing the corporation. Attorneys Thomas Dundon and Aaron Morris, from Nashville firm Neal & Harwell, took over the defense.

Davidson County Chancellor Carol McCoy then ruled that the company had engaged in "significant and intentional litigation misconduct," perjury, "fraud upon this court and the litigation process," destruction or and/or withholding of documents for discovery, and obstruction of justice. A copy of the ruling is available at this [link](#).

Last year, [Blonder sued the Green Hills Grille owner](#) when he didn't get paid a commission after the company decided to go into the former Fire of Brazil location next to the Mall at Green Hills. Green Hills Grille needed new space quickly since its landlord at the time, John J. Griswold, wasn't renewing its lease [so he could open Nero's Grill at 2122 Hillsboro Drive](#), a throwback to a landmark restaurant his father Nelson L. "Nero" Griswold Jr. had in the location for years.

Blonder had negotiated a lease in the ground floor of a Green Hills office building owned by Brookside Properties, but Specialty Restaurant decided to work directly with Fire of Brazil to take over its space. Blonder claimed in his lawsuit that he had a deal for exclusive representation and should have been paid on the lease in the Fire of Brazil space, arguing that he had introduced the idea of Green Hills Grille taking over the space and had contacted the landlord, The Rochford Co.

Specialty Restaurant argued that Bill Lanham, director of operations for the Grille, didn't have the authority to strike an exclusive deal and didn't know about the deal with Blonder until after the Fire of Brazil lease had been negotiated. Blonder's attorneys then added Lanham to the lawsuit. Once that occurred, Lanham produced e-mails that showed he had authority and that the company's upper management knew of the deal with Blonder before the lease with Fire of Brazil was negotiated.

"And for that reason, the court finds that there has been a showing, by a preponderance of the evidence, the defendant had the information in its possession; that the corporation knew it had the information in its possession; and that it did not produce it when requested," McCoy said in court. "Only until the individual, Mr. Lanham, was sued and brought in and discovery targeted at him did this information come forth."

It should be noted that Lanham, who as defended by Bob Mendes of MGLAW, still works for the company. The legal action against Lanham likely will be dropped because his employer lost.
