

Facebook CEO Ends Property Rights Row With No-Suit Vow

By **Kat Greene**

Law360, Los Angeles (March 15, 2016, 11:41 PM ET) -- Facebook Inc. CEO Mark Zuckerberg escaped a suit over a \$1.7 million property rights deal for no more than a promise not to countersue after the real estate developer who claimed he reneged on the deal hired a new lawyer and decided to end the California suit ahead of its scheduled April trial.

Mircea Voskerician had accused the social media founder in California state court of backing out of a promise to buy his rights to a piece of property behind Zuckerberg's house and refer him to wealthy clients in Silicon Valley, but the real estate developer backed down from his allegations after hiring a new lawyer in January, court records show.

Zuckerberg didn't have to pay Voskerician to drop the claims, but rather, just promised not to countersue, his attorney Patrick Gunn of Cooley LLP said. The case would have gone to trial on April 25, court records show.

"Mr. Voskerician's decision to abandon his lawsuit confirms what we have always maintained, that his claims lacked merit and his case was nothing more than a fraudulent attempt to extort millions of dollars from Mr. Zuckerberg," Gunn said in a statement. "We are pleased this years-long harassment has come to an end and that the plaintiff will see no financial gain from his misconduct."

Voskerician sued Zuckerberg in May 2014 in Santa Clara County Superior Court, accusing him of promissory fraud, intentional misrepresentation, concealment, rescission and breach of contract, all stemming from the deal.

According to the complaint, Voskerician offered to sell Zuckerberg a small piece of land adjacent to Zuckerberg's property in Palo Alto, California, in November 2012. Zuckerberg originally offered to buy the property for \$250,000, plus any down payment Voskerician had made on the parcel, court records show.

Voskerician initially said no, but later allegedly declined a \$4.3 million offer from a real estate developer and sat down with Zuckerberg and his realtor and financial adviser in December 2012 to hammer out a deal. According to the complaint, that's when Zuckerberg offered to buy Voskerician's interest in the property for \$1.7 million and make the promise to introduce the investor to "friends, clients and business associates" and provide written references that would promote his real estate business.

After that, Voskerician claimed he reached out to Zuckerberg repeatedly in 2013 for those introductions,

but Zuckerberg never responded, court records show.

Voskerician alleged that emails and testimony provided by the defendants showed that Zuckerberg promised but never intended to offer referrals or introductions for the developer and that several other individuals worked to conceal this from Voskerician.

Zuckerberg and the defendants, however, contended that no such agreement for the referrals and introductions was ever made and was not negotiated in the signed agreement for the property rights.

In October, Voskerician's attorney, David Draper of Terra Law LLP, quit the case, according to the docket. Voskerician hired a new lawyer, solo practitioner Guyton Jinkerson, in January.

Jinkerson said in a statement that after going over the facts and legal premises pursued earlier in the case, he and Voskerician agreed that ending the suit would be the best course of action.

"Upon careful reflection we determined that this case should be resolved and we worked with counsel for the defendants to reach an equitable settlement of this matter," Jinkerson said. "We are pleased that the parties have been able to bring an end to this litigation."

Voskerician is represented by Guyton Jinkerson.

Zuckerberg is represented by Patrick P. Gunn, Nathaniel Cooper, Karen Burhans and Laura Elliott of Cooley LLP

The suit is Mircea Voskerician v. Mark Zuckerberg, et al., case number 1-14-cv-264667, filed in the Superior Court of California, County of Santa Clara.

--Additional reporting by Jody Godoy. Editing by Bruce Goldman