

Erick Durlach

Counsel

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Services

Complex Commercial Litigation
Construction Litigation
Lease Disputes & Restructuring
Alternative Dispute Resolution
Catastrophic Injury
Appellate Litigation
Contracts & Commercial
Agreements
Trade Secrets

Industries

Commercial Real Estate
Construction & Infrastructure
Financial Institutions

Erick Durlach has been practicing law for more than 20 years. He regularly handles litigation in federal and state courts across the country involving complex business and commercial disputes, real estate disputes, partnership and shareholder disputes, and a wide variety of business torts and other claims. Erick also represents clients throughout the alternative dispute process, including arbitration and mediation. In addition, he prepares, reviews, and negotiates contracts on his clients' behalf. Erick represents clients in a variety of industries, including real estate, architectural and engineering, construction, environmental, financial institutions, and cannabis. He has experience with a wide range of real estate litigation issues, including partition actions, disputes involving the sale of land, landlord and tenant disputes, and disputes relating to real estate brokers and agents. Erick has also represented employers against former employees in disputes involving trade secrets, covenants not to compete, and non-solicitation of employees and customers.

Prior to joining the firm, Erick was a partner in the Phoenix, Arizona office of a well-established litigation law firm where he concentrated his practice on commercial litigation and real estate law. Previously, he was a partner at a national law firm where his trial practice included contract, construction, employment, and professional liability law.

While attending law school, Erick served as an in-house law clerk for a year at an international company offering a range of trading and financial services to Italian exporters, as well as a factoring service, where he negotiated and drafted a wide variety of contracts, handled corporate governance matters, and advised the company regarding compliance and employment issues. The previous year, Erick served as a law clerk at an international law firm in its New York City headquarters.

Erick has been recognized as a "Top Lawyer" by *Ranking Arizona* magazine and *Arizona Business Magazine*. He

was also recognized as one of its “People on the Move” by the *Phoenix Business Journal*.

During his free time, Erick enjoys spending time with his family, hiking, skiing/snowboarding, and scuba diving.

Experience

*Obtained summary judgment for contractor by enforcing contractual provisions. Plaintiff alleged over \$8 million in lost profits and damages to its commercial structure and contents. Recovered over \$400,000 in fees, costs, and sanctions for the client.

*Successfully defended a design professional against \$50 million breach of contract claims relating to the design of a \$600 million public project, which was the largest public project of a major city. The city alleged that the design professional breached the Program Validation Contract, Design Contract, and Construction Administration Contract by mismanaging the design and delivering the schematic design late and over budget.

*Successfully defended an international engineering firm by resolving contentious litigation for \$0, while recovering approximately \$40,000 of client's attorney's fees and costs. Plaintiff asserted breach of contract and interference with contract claims and demanded \$1.3 million. However, after three of plaintiff's four claims were dismissed, plaintiff agreed to walk away from its remaining claim three months before trial.

*Successfully defended a general contractor against a \$40 million breach of contract claim relating to the construction of a AAA 4-Diamond resort.

*Successfully represented clients in real estate litigation involving disputes over the sale of undeveloped land to builders, FED actions, and commercial lease disputes.

*Obtained summary judgment for company by enforcing contractual provisions. Plaintiff alleged multi-million dollar damages. Recovered all fees and costs for client.

*Successfully persuaded the court to issue a permanent injunction order, enforcing the restrictive covenants contained in clients employment agreement against a former employer who was hired by a direct competitor. The restrictive covenants included a covenant not to compete and non-solicitation and non-disclosure provisions.

*Successfully tried matter defending a retailer of recreational vehicles that resulted in a defense verdict and the recovery of fees and costs, while nullifying plaintiffs claims for breach of contract, rescission, and consumer fraud.

*Obtained summary judgment for medical facility by persuading the court to dismiss plaintiffs multi-million



dollar punitive damages claim in a wrongful death action.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Education

Fordham University School of Law J.D. (2001)

City University of New York City College B.A. (1997)

Admissions

Arizona (2006)

Colorado (2017)

New York (2002)

Court Admissions

U.S. District Court for the District of Arizona (2006)

U.S. District Court for the Eastern District of New York (2003)

U.S. District Court for the Southern District of New York (2003)

Professional & Community Activities

Arizona Association of Defense Counsel, Member

Defense Research Institute (DRI), Member

State Bar of Arizona, Member

ALFA International, Business Litigation Practice Group, Steering Committee Member (2010-2014)

Insights

[News Releases](#)

Kilpatrick Townsend Welcomes New Attorneys

March 14, 2023

[News Releases](#)

Kilpatrick Townsend Launches New Offices

March 7, 2023