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Appellate Court Affirms Summary Judgment in Declaratory Judgment Action

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Following a summary judgment victory in the Circuit Court of Cook County on their client's declaratory judgment action, Novack and Macey attorneys Stephen Novack, P. Andrew Fleming, and Joseph S. Nacca recently obtained an opinion affirming that judgment from the Illinois Appellate Court, First District.

Representing the plaintiff — an upscale condominium developer — Novack and Macey sought a declaratory judgment stating that its client had not entered into a contract with a prospective purchaser for the sale of a condominium. The prospective purchaser then counterclaimed seeking to enforce its alleged contract to purchase the condominium. Following substantial briefing and oral argument, the Circuit Court awarded plaintiff summary judgment on all claims, finding that no contract existed for the sale and purchase of the condominium at issue.

The prospective purchaser appealed the Circuit Court's decision. On December 27, 2007, the Appellate Court affirmed the Circuit Court's ruling. The victory cleared title to the condominium at issue and allowed Novack and Macey's client to close on its sale of the condominium to another purchaser.

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