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## **Novack and Macey Wins Summary Judgment for General Growth Management, Inc.**

OCTOBER 12TH, 2005

Eric Macey and Monte Mann, on behalf of General Growth Management, Inc. (“GGM”), beat back an \$11 million claim asserted by USInternetworking, Inc. (“USi”). Bankruptcy Judge E. Stephen Derby for the United States Bankruptcy Court for the District of Maryland granted summary judgment for GGM based on the doctrine of judicial estoppel. Judge Derby held that, although USi was aware of its claim, USi failed to disclose the claim during the course of its bankruptcy, and a reorganization plan was confirmed without the Court or creditors’ knowledge of the claim. As a result, USi was now judicially estopped from pursuing the claim after confirmation.

GGM is affiliated with the publicly-traded General Growth Properties, Inc., the country’s second largest owner of shopping centers.

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