



## Mark J. Austin

Partner

Los AngelesOrange County

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### PRACTICES

Litigation

Public Law

Real Estate and Business Law

Tort Claims and Products  
Liability

### EDUCATION

J.D., Loyola Law School, Los Angeles, 2000

B.A., Social Ecology/Criminal Justice, University of California, Irvine, 1997

### ADMISSION

State Bar of California

Supreme Court of California

United States District Court for the Central District of California

### AFFILIATIONS

Orange County Bar Association

*Pronouns: he, him, his*

Mark Austin is a partner at the law firm of Burke, Williams & Sorensen, LLP, where his practice focuses on [public](#)-entity [litigation](#), [real estate](#) litigation, corporate/partnership disputes, land-use and environmental litigation, and municipal tort defense (including dangerous condition cases, employment-related torts, and wrongful death matters). Mark has extensive trial experience, having handled multiple successful jury trials, bench trials, and arbitrations, and has successfully argued before the California Court of Appeal over a dozen times.

Mark began his career representing public entities on both litigation and transactional matters, including real-estate transactions and disputes, constitutional claims, complex land-use matters, employment disputes, and tort claims. Since that time, Mark has expanded his practice to include commercial disputes on behalf of businesses and developers of all sizes, private real-estate litigation, and environmental litigation. In his several years of practice, Mark's clients have included residential and commercial developers, nationally recognized private companies, cities, counties, small businesses, and private homeowners. His focus on real estate litigation has given him substantial insights into drafting pitfalls, disclosure requirements, and judicial interpretations of written agreements.

Mr. Austin has acted as deputy city attorney for several cities, and in 2015 he acted as the Interim City Attorney for the City of Calexico. He has represented the City of Anaheim, the City of Irvine, the City of Dana Point, the City of Torrance, and the City of Vernon, among several others, on multiple high-profile matters and cases.

### PUBLISHED CASES

- *Oxford Preparatory Academy v. Edlighten Learning Solutions* (2019) 34 Cal.App.5th 605 (enforceability of contractual arbitration agreement)

- *City of Cerritos v. Cerritos Taxpayers Assoc., et al.* (2010) 183 Cal.App.4th 1417 (complex validation action concerning purchase and development of senior-housing project)
- *In re County of Monterey Initiative Matter* (N.D. Cal. 2006) 427 Fed.Supp.2d 958 (voting rights case)
- *City of Long Beach v. Department of Industrial Relations* (2004) 34 Call.4th 942 (amicus; prevailing wage issue)

## INSIGHTS

Join Us at the CalCities Annual Conference and Expo this October!

## RECOGNITIONS

Selected to Southern California Super Lawyers, Rising Stars Edition, 2007-2014

## REPRESENTATIVE MATTERS

- Has successfully handled numerous cases—in both trial courts and arbitrations—involving disputed boundary claims and easement and other property rights.
- Successfully represented property owner in month-long arbitration against seller and broker over misrepresentations that property would include an appurtenant easement.
- Successfully defended water district against lawsuit alleging breach of easement agreement, by making successful summary judgment motion on ground that covenants plaintiff sought to enforce did not run with land.
- Successfully defended large developer in complex fraud and breach-of contract action brought by several homeowners in new housing tract.
- Successfully represented developer in lawsuit against City of Pasadena relating to City's failure to follow directives under environmental law concerning development project.
- Successfully represented real-property seller in lawsuit against Montebello Redevelopment Agency for breach of purchase contract.
- Successfully defended City of Anaheim in reverse validation action challenging resolutions for issuance of \$300 million in bonds to fund expansion of Anaheim Convention Center.
- Successfully defended businessman/developer in month-long arbitration brought by developer's former business partner for accounting and alleged misuse of funds.
- Successfully represented ousted members of development partnership in dispute with former partners for portion of company's profits.

- Successfully represented large grocery chain in class-action lawsuit relating to car-towing policy.
- Successfully defended City of Arroyo Grande in writ-of-mandate and constitutional action challenging City's adoption of general plan amendment.
- Successfully represented school district in lawsuit against district's architect for negligence and breach of contract.