MILLER STARR REGALIA

# Our History

## Vision. Strategy. Results. 60 Years and Counting.

### 1964

Miller Starr Regalia incorporated February 14, 1964.

### 1969

*Hellbaum v. Lytton Saving:* This was one of the first of several reported court of appeal decisions involving the firm's representation of savings and loan associations in the 1960's through the 1980's, and remains an often cited decision in the area of prepayment penalties. Ed Regalia represented Lytton Savings and prevailed against the borrowers who opposed the fee.

### 1970

*Northwestern Title Security Co. v. Flack*, Court of Appeal, First District, Division 1, California. March 31, 1970 6 Cal.App.3d 134.

### 1976

*Birkenfeld v. City of Berkeley:* This was one of the first rent control cases litigated to the California Supreme Court level in the state. The firm, represented the associated group of Berkeley residential landlords in opposition to a rent control ordinance that was also one of the first in the state. We came out on the losing side of the case at the California Supreme Court, but this was one of the early cases that made the firm's reputation in the real estate community. It also required armed security as the Berkeley pro-rent control crowd made explicit threats against the firm and some of its attorneys and staff.

Birkenfeld v. City of Berkeley, Supreme Court of California, In Bank. June 16, 1976 17 Cal.3d 129 – While emergency is not required for municipality to impose rent controls under its police power, city's specific ordinance, which rolled back all controlled rents to a particular date in the past was unconstitutional based on the heavy burdens imposed on landlords.

### 1978

*Starker v. United States of America:* By winning this 9th Circuit decision against the Internal Revenue Service, Marv Starr literally created and convinced a federal appellate court to sanction the notion of the "delayed 1031 exchange", which had been vigorously opposed by the Service. The decision launched a huge part of the firm's transactional practice that continued into the 1990's, when the IRS finally stopped challenging delayed exchanges and adopted detailed regulations explicitly allowing such transactions, which in turn resulted in title companies and other entities taking over the routine transactions that had been the bread and butter of the firm's work in this area.

### 1980

*Easton v. Strassburger:* This was (and remains) the seminal case on real estate broker disclosure obligations and is recognized as a landmark that completely changed the legal obligations of real estate brokers in California for all time. It is a reported court of appeal decision often cited to this day. Of all the cases mentioned in this email, it is still one of the most notorious, and led to the loss of the firm's previously huge clientele and primary referral source, i.e, the California real estate brokerage community.

## 1984

*Digidyne v. Data General:* The firm prevailed in an antitrust case against Data General on behalf of a start-up computer company, Digidyne. While perhaps not of great interest to the current shareholder and attorney group, it was probably the most significant case financially for my generation and the previous generations of the firm's partners/shareholders since the firm's founding. There is no reported decision, but this was, for the time, the largest dollar amount case the firm had litigated, and resulted in a very large award in favor of our client (multiple tens of millions of dollars) as well as a very large contingency fee for the firm (multiple millions of dollars) after several years of costly litigation (for the firm) without pay.

Redevelopment Agency v. Tobriner, Court of Appeal, First District, Division 3, California. March 21, 1984 153 Cal.App.3d 367 – Taking of parking easements by redevelopment agency was proper where findings of public use, necessity, and blight were all supported by substantial evidence.

## 1986

*Orinda Assn v. Board of Supervisors*, Court of Appeal, First District, Division 3, California. May 30, 1986 182 Cal.App.3d 1145 – Aspects of office/retail project such as height and scale violated applicable land use regulations, which constituted "significant environmental impacts" under CEQA, and municipality did not consider feasible mitigation measures or alternatives.

Pennell v. City of San Jose, Supreme Court of California, In Bank. August 11, 1986 42 Cal.3d 365 – ordinance allowing consideration of tenant's financial circumstances to grant rent increase that was greater than automatic formula was not facially unconstitutional, and annual rental unit fee was a "regulatory fee," not a "special tax" prohibited by Prop. 13.

Orinda Assn v. Board of Supervisors, Court of Appeal, First District, Division 3, California. May 30, 1986 182 Cal.App.3d 1145).

## 1987

*Pennell v. City of San Jose:* To my knowledge, this is the only case the firm ever argued before the United States Supreme Court (it was briefed and argued by Harry Miller). The firm represented the residential landlords in the City of San Jose who were challenging the city's rent control ordinance. Again, we were ultimately unsuccessful, but it was a landmark decision all the same.

## 1989

*Monterey S. P. Partnership v. W. L. Bangham, Inc.*, Supreme Court of California, In Bank. August 24, 1989 49 Cal.3d 454 – default judgment in favor of holder of foreclosed mechanics lien to quiet title to property did not affect the interests of beneficiaries that were not serviced with the summons and complaint.

## 1990

*Kirk Corp. v. First American Title Co.*, Court of Appeal, Third District, California. February 15, 1990 220 Cal.App.3d 785 – Escrow agent had no duty to draft and record an assignment and subordination of lease where instructions to do so were stamped "DRAFT" and conflicted with other instructions.

## 1991

*Lick Mill Creek Apartments v. Chicago Title Ins. Co.*, Court of Appeal, Sixth District, California. June 17, 1991 231 Cal.App.3d 1654 – Title insurance policy did not cover costs of cleaning up hazardous waste.

## 1992

*Brock v. First South Savings Assn.,* Court of Appeal, Third District, California. July 31, 1992 8 Cal.App.4th 661 – Where purchase money mortgage or deed of trust and vendor's lien arise out of single sales transaction, purchase money deed of trust takes priority.

## 1994

*Salahutdin v. Valley of California, Inc.*, Court of Appeal, First District, Division 2, California. April 28, 1994 24 Cal.App.4th 555 – broker breached fiduciary duty to purchasers and committed constructive fraud by misrepresenting size of property, and damages were the difference between actual size and size represented.

## 1996

Miller Starr Regalia moves main office from Oakland to Walnut Creek.

## 1996

*Lennar Northeast Partners v. Buice,* Court of Appeal, Third District, California. October 10, 1996 49 Cal.App.4th 1576 – modifications of senior lienholder's note and deed of trust were substantial, and where done without the consent of junior lienholders should result in loss or priority for such modifications.

## 1997

*Shaw v. Regents of University of California,* Court of Appeal, Third District, California. October 02, 1997 58 Cal.App.4th 44.

Miller Starr Regalia opens peninsula office in Redwood City (then moves to Menlo Park, ultimately to Palo Alto).

## 2000

When the firm brought Miller & Starr in-house, and Ed became Editor-in-Chief.

## 2001

*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, Court of Appeal, First District, Division 1, California. August 03, 2001 91 Cal.App.4th 342.

## 2002

Harry Miller passes away.

*DMC, Inc. v. Downey Savings & Loan Assn*., Court of Appeal, Fourth District, Division 2, California. June 10, 2002 99 Cal.App.4th 190.

## 2005

*City of King City v. Community Savings Bank* 131 Cal App. 4th 913 – Bank was entitled to discover evidence of city council's intent in authorizing deposit pledged as collateral for redevelopment loan upon which developer defaulted

## 2006

*City of Marina v. Board of Trustees of California State University,* Supreme Court of California July 31, 2006 39 Cal.4th 341 – mitigation measures to address off-campus environmental impacts of campus expansion were not infeasible, and overriding circumstances therefore did not justify certification of EIR and project approval.

## 2008

Karl Geier named Editor-in-Chief of Miller & Starr California Real Estate Treatise.

## 2009

*Reudy v. Clear Channel Outdoor, Inc.,* United States Court of Appeals, Ninth Circuit. July 08, 2009.

## 2011

CEQA blog start date: September 2011.

## 2012

Gene Miller “retires” as Managing Shareholder after 27 years.

Tony Leones, Managing Shareholder (2012-2017).

*Sierra Club v. Napa County Bd. of Supervisors,* Court of Appeal, First District, Division 4, California. April 20, 2012 205 Cal.App.4th 162.

Miller Starr Regalia opens Newport Beach office: April 30, 2012.

## 2013

Miller Starr Regalia opens San Francisco office: November 4, 2013.

## 2014

Miller Starr Regalia Celebrates 50th Anniversary.

## 2015

The beginning of the 4th Edition of Miller & Starr.

## 2016

Ed and Marvin were presented with the Real Property Persons of the Year – Great Collaboration Award from the State Bar of California’s Real Property Law Section.

## 2017

*Sierra Club v. County of Sonoma,* Court of Appeal, First District, Division 1, California. April 21, 2017 11 Cal.App.5th 11.

## 2018

Present: Ella Gower, Managing Shareholder.

Ed Regalia passed away.

## 2019

*Mikkelsen v. Hansen,* Court of Appeal, Fifth District, California. January 10, 2019 31 Cal.App.5th 170.

Marv Starr passes away

## 2022

*Save Lafayette v. City of Lafayette,* Court of Appeal, First District, Division 3, California. November 30, 2022 85 Cal.App.5th 842.

## 2024

Miller Starr Regalia Celebrates 60 Years.

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