
Cahill Prevails on behalf of Starwood Hotels in Multi-Billion Dollar Merger Dispute

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Plaintiffs Cityfront Hotel Associates LP and Dream Team Hotel Associates LLC (two Tishman Hotel Corporation affiliates), owners of two hotels in Chicago and New York City, filed suit in New York state court seeking to enjoin the \$13.6 billion merger between Starwood Hotels & Resorts Inc. ("Starwood") and Marriott International, Inc. ("Marriott"), which would create the world's largest hotel operator by room count.

Plaintiffs argued that closing the merger would violate their operating contracts with Starwood with regard to safeguarding their confidential hotel-specific information and with regard to restrictive covenants limiting the numbers and types of hotels that could be operated by Starwood and its affiliates in certain geographic areas. After full briefing and argument on an expedited basis, the court denied Plaintiffs' motion to preliminarily enjoin the merger, finding that Plaintiffs had known of the highly publicized merger for over six months and their delay in seeking injunctive relief constituted laches. The court also found that a balancing of equities and the public and private interest favored Starwood and Marriott and that if there was any injury as a result of the closing of the merger, Plaintiffs' would have an adequate remedy at law in monetary damages.

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