

# **BURNS ANDERSON JURY & BRENNER, L.L.P.**

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## **Austin Court of Appeals affirmed a summary judgment**

On December 8, 2005, the Austin Court of Appeals affirmed a summary judgment disposing of an attempted housing and real estate class action case defended by Jeff Jury of BAJB as lead counsel for the target defendant. The trial court in *Witkowski, et. al. v. Brian, Fooshee and Yonge Properties, et.al.* summarily disposed of claims arising out of a Land Use Restriction Agreement (LURA) made under the federal Affordable Housing Disposition Program by two proposed classes of tenants. The case turned on issues of whether the proposed classes had standing to assert claims, and whether the Noerr-Pennington doctrine protected the Defendants' First Amendment rights to seek removal of the LURA through governmental channels. The Court's opinion may be viewed in full by clicking here: <http://www.3rdcoa.courts.state.tx.us/opinions/html/opinion.asp?OpinionId14361>