



# **Hershorin & Henry, LLP**

## Appeals Department Update

### 30 OUT OF 30 APPELLATE VICTORIES

Hershorin & Henry obtained a major victory on December 3, 2015, when the Court of Appeal adopted Hershorin & Henry's arguments and ruled in favor of its escrow client. This favorable Appellate Court decision represents Hershorin & Henry's 30th appellate victory out of 30 appeals - an undefeated record in the Appellate Court.

The case involved an escrow company's early release of the buyer's entire down payment to the seller before the close of escrow. Due to buyer's financial problems, escrow never closed. The buyer thereafter sued the escrow company to recover the money released to the seller (as the seller was bankrupt), claiming that the escrow company breached the escrow instructions by releasing the funds early. The Court of Appeal agreed with Hershorin & Henry's arguments that the evidence supported the parties' intentions of releasing the funds prior to the close of escrow.

The important lesson gained from this case is that the escrow company must require clear, written, mutual instructions from the parties before it releases any monies out of escrow.

With more than twenty years of experience in appellate law all over the State of California, Hershoring & Henry can help you identify the best arguments for an appeal, and give you an informed opinion as to whether an appeal is worthwhile. Contact us now for information about appeals at (949) 916-8047 or e-mail us at [lorih@hhlawgroup.com](mailto:lorih@hhlawgroup.com).



Offices in Orange County and Pasadena, California

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