

# Mark A. Gilday

Partner

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## PRACTICE AREAS

- [Commercial Real Estate](#)
- [Litigation](#)
- [Alternative Dispute Resolution](#)
- [State & Local Entities](#)

## EDUCATION

- Catholic University of America, Columbus School of Law, J.D. 1985
- University of Maryland, cum laude, B.A. 1982

## BAR ADMISSIONS

- Maryland, 1985
- District of Columbia, 1989
- U.S. District Court of Appeals for the Armed Forces, 1989
- U.S. District Court for the District of Maryland, 1989

## RELATED NEWS

- [BBS&G Featured in Bethesda Magazine's "Ask the Attorneys" Profile Section](#)

## Overview

Mark Gilday has more than 30 years of experience representing clients in complex civil litigation and transactional matters, with a focus on real estate. He is the chair of the firm's litigation practice group.

Mr. Gilday serves as lead counsel in many of the firm's most challenging cases, particularly those involving real estate disputes. In his litigation practice, he has represented Fortune 500 and other large companies, commercial real estate developers, commercial property owners, governmental and quasi-governmental entities, real estate investment trusts, energy companies, financial institutions, and a variety of other businesses and individuals. His representative experience includes disputes over commercial real estate, development rights, eminent domain and condemnation, the valuation of real property and real estate assets, construction, leasing, brokerage services, corporate control, contracts, fraud, tortious interference, conversion, defamation, fiduciary duties, and corporate director and shareholder obligations. He has earned numerous dismissals of claims at the initial pleadings and summary judgment stages of litigation in addition to securing judgments in his clients' favor at trial, on appeal, and in private arbitration.

Mr. Gilday's transactional practice focuses on commercial real estate matters. He routinely drafts and negotiates construction contracts, commercial real estate broker listing agreements, and property management agreements. He also provides clients with general business advice, and advises with respect to property rights, mechanics' liens, leasing rights, employment contracts, and day-to-day legal issues.

Mr. Gilday serves as an Adjunct Professor of Law at the American University Washington College of Law, where he teaches trial advocacy. He has also been an instructor of law in the subjects of legal ethics, torts, and litigation at the University of Maryland, University College. He also previously taught construction contract drafting at TW Perry Contractor College.

Mr. Gilday graduated from Gonzaga College High School in Washington, D.C. He received his bachelor's degree from the University of Maryland and law degree from the Catholic University of America. After graduating from law school, Mr. Gilday served for three years as an officer in the United States Marine Corps.

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### **Representative Matters**

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- Successfully defended financial institution in complex real estate dispute against claims of breach of contract, constructive eviction, and breach of settlement agreement.
- Successfully defended commercial real estate developer in private arbitration, state trial court, and state appeals court in connection with a multimillion-dollar real estate transaction regarding the sale of a 255-acre parcel of land.
- Successfully defended public utility company against an action brought by a real estate developer involving easement claims, state franchise agreements, and public utilities tariff that ended with a judgment in his client's favor in the Court of Appeals of Maryland.
- Successfully obtained summary judgment on all claims on behalf of public utility company in federal district court.
- Successfully defended owners of a healthcare company in a multi-week arbitration hearing who were being sued for ownership rights in the company, fraud, breaches of fiduciary duties, and corporate minority oppression.
- Prosecuted an architectural malpractice claim on behalf of a large commercial real estate developer that resulted in favorable settlement for client in federal district court.
- Won a jury trial, including an award of punitive damages, on behalf of property owner suing construction company for fraud.
- Won summary judgment on all claims, including fraud, on behalf of a large commercial property owner in the District of Columbia.
- Won summary judgment on all fraud claims on behalf of a commercial real estate developer in the District of Columbia.
- Successfully represented a commercial property owner at a bench trial in connection with claims of express easement, implied easement, and prescriptive easement.

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### **Professional Affiliations**

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- Apartment and Office Building Association

- Board Member, Greater Washington Commercial Association of Realtors (“GWCAR”), 2004 – 2005
  - Maryland Legislative Review Committee, 1998
  - Major, USMCR, 1986 – 1998
  - Montgomery County Bar Association
  - Maryland State Bar Association
  - District of Columbia Bar Association
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#### **Faculty Positions**

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- Adjunct Professor of Law, Trial Advocacy; American University Washington College of Law
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